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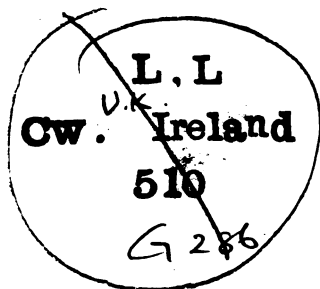
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**PERSECUTION OF PROTESTANTS**

**IN THE YEAR 1845,**

**AS DETAILED IN A FULL AND CORRECT REPORT**

**OF**

**THE TRIAL AT TRALEE,**

**ON THURSDAY, MARCH 20, 1845,**

**FOR**

**A LIBEL**

**ON THE REV. CHARLES GAYER,**

**WITH PREFACE AND APPENDIX.**

**DUBLIN:**

**PHILIP DIXON HARDY AND SONS,  
RELIGIOUS BOOK AND TRACT DEPOSITORY FOR IRELAND,**

**23, UPPER SACKVILLE-STREET.**

**LONDON: R. GROOMBRIDGE.**

**1845.**

L. r. C 25 d.

Libel 1



1,



\_\_\_\_\_



2,



4 VENTRY.



PARSONAGE. SCHOOL. CHURCH.

5 BLASKET ISLAND.



SCHOOL.

6

DINGLE.



COLONY COTTAGES.

The Map represents the Peninsula, which extends 40 miles into the Atlantic Ocean, near the extremity of which Dingle is situated. The Views represent the Buildings which have been erected in the different Parishes. The distance from Ventry to Dingle is 3 miles; Donquin, 7; Dunurlin, 7; Kilmachear, 4. The Rev. C. GAYE is Rector of the Parishes of Ventry and Dunurlin, Curate of Kilmachear, and Assistant Curate of Dingle. The Rev. THOMAS GOODMAN is Rector of Donquin, and Perpetual Curate of Dingle. The Rev. THOMAS MORIARTY is Curate of Ventry and Donquin; and the Rev. E. SANDFORD is Curate of Dunurlin.

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## P R E F A C E .

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THE following authentic Report has been reprinted from the pages of the *TRALEE CHRONICLE*, and it is believed will be an acceptable offering to those who feel interest or curiosity as to the remarkable religious movement in the neighbourhood of Dingle, where four altogether new Protestant congregations have, within a few years, been established, and to which so much public attention has consequently lately been directed. The action, it will readily be believed, was brought by the Rev. Mr. Gayer, much less with the object of vindicating his own character, than with the hope that a public appeal to the law, acting upon, and through, public opinion, might check the disgraceful system of persecution, of which the libels complained of formed a part, and whose object obviously was, and we regret to add still is, to exterminate freedom of religious opinion in that remote district. The following pages prove, upon evidence which cannot err, and which extorted a verdict from a jury of whom *one half were Roman Catholics*, that 170 families, including 800 souls, have been added to the Protestant faith in that immediate neighbourhood; that no small number have already sealed the truth and sincerity of their conversion by dying in the faith of their adoption, while the whole body, notwithstanding the insults and outrages daily heaped upon them, are an inoffensive, orderly, and well-conducted class of persons, who would enjoy both the good opinion and good offices of their countrymen of all persuasions, if civil and religious liberty were more than a name in Ireland. But for such evidence, could it be believed that there was any part of her Majesty's dominions in which men can be, and daily are, with impunity, ruthlessly and unceasingly insulted, oppressed, and injured, for no other reason than that they have ventured to think for themselves, and have publicly conformed to the religion by law established both in England and Ireland? That the executive government feels itself unable to abate the evils it admits, will be seen from the Memorial forwarded to his Excellency the Lord Lieutenant in the month of January last, signed by 150 heads of convert families, and the official reply of the Under-Secretary of State, both of which will be found in the Appendix. It will be seen from that Memorial that the whole of this dreadful and disgraceful state of things is attributable to the preaching of the Priests of the Roman Catholic Church from their altars, and that when the Roman Catholic Priests do not excite their flocks against the Protestant converts, their Roman Catholic neighbours are well disposed towards them, and they live in peace and good-will with each other. Is it possible that such a state of things can be permitted to continue in a Christian country? Will an influential and educated Roman Catholic Gentry, many of whom are men of liberal and enlightened minds, allow their religion to be disgraced by counte-

nancing men who profane the house of God, and deliberately desecrate the Christian Sabbath, by exciting their flocks, week after week, not only by unchristian denunciations, but the most awful curses on all who have any dealing or communication with these calumniated converts, who, whether right or wrong, have done nothing contrary to the laws, or which ought in a country of boasted civil and religious liberty, to deprive them of the rights of fellow-citizens? Or, if the Roman Catholic Hierarchy and Gentry do not themselves put an end to so flagrant an outrage on civilized life, will the Legislature allow it to continue? "If," to use the language of Mr. Freeman, whose eloquent and stirring appeal will be found in this Report, "if in places where Roman Catholics are in the inverse ratio of what they are at Dingle, Roman Catholics were persecuted as we have heard the Dingle converts are in this county, what an outcry would be raised! If Roman Catholic clergymen were hooted and pelted through the Protestant districts of the North; insulted—reviled—called by indecent names, so disgusting that they could not be mentioned in a court of justice, what would be the feelings of Roman Catholics? Would they not say, is this a country where discussion is allowed, where the principles of religion have existence at all?"

The friends of peace and humanity hoped, that as the Roman Catholic Priests of Dingle were present during the whole trial, and obviously assisted in conducting the defence, the result would have been not merely to expose, but to put an end to scenes so disgraceful. We deeply regret to state, that these hopes have been wholly defeated; never has persecution been more determined, or more unmeasured than since the verdict of an independent jury stamped the system as a violation of the laws; and unless the public indignation be expressed in some manner still more unequivocal, we fear, the authors and supporters of this systematic persecution, will still proceed to instigate to acts of oppression, if not actual violence, all who are ignorant or superstitious enough to submit to their guidance. Whatever may be the result, it will be admitted that Mr. Gayer, and his excellent and able assistants, have done their duty unflinchingly, and we are much mistaken if the well disposed and educated classes of our fellow-countrymen, whether Protestant or Roman Catholic, will allow such a system long to survive its exposure, especially when £28,000 of the public money is about to be yearly applied to the education of the Roman Catholic priesthood.

An important letter from an unprejudiced eye witness, as well of the trial, as of the actual state of things at Dingle, will be found in the appendix, to which the reader is directed, as containing several matters of a very interesting character, which it is thought could not so well be conveyed to the public in any other manner as by giving the communication verbatim.

# THE DINGLE COLONY.

## LIBEL ON THE REV. CHARLES GAYER IN THE KERRY EXAMINER.

GAYER *versus* BYRNE.

A TRIAL IN THE RECORD COURT, TRALEE, BEFORE MR. JUSTICE JACKSON AND  
A SPECIAL JURY, ON THURSDAY, 20TH MARCH, 1845.

The learned Judge took his seat, on the above day, at Nine o'clock A.M., the court being occupied with the Trial until past Nine o'clock P.M. that day and the following one. The Verdict was given on Saturday, at Five o'clock P.M.

The following Jury were sworn. Those marked with asterisks [\*] were Protestants, the remainder were Roman Catholics :—

Bryan M'Swiney, Esq., of Toremore, Foreman; Connor W. O'Leary, Tralee; Francis Twiss,\* Haremount; Wm. Sandes,\* jun., J.P., Pyrmount; James Murray Home,\* J.P., Gurtenard; Morgan M'Swiney, Quarry Lodge; John Palmer,\* Banemore; Garrett O'Callaghan, Feale Cottage; Frederick Blennerhassett,\* Blennerville; Nathanael Irwin,\* Kenmare; Thomas Leonard, Killihiney; and Patrick Stokes, Listowel, Esqrs.

The body of the court-house and galleries were densely crowded, the former with some of the principal gentry of the county, with not a few of the clergy of both persuasions, while the latter were filled, throughout the entire trial, by a vast number of ladies of the first respectability, a circumstance quite unprecedented on similar occasions.

Several of the jurors on the panel were not in attendance at so early an hour, the Judge having on the day previous at first said, he would sit at ten o'clock, and afterwards intimated he would sit at nine. A few of the Counsel, who had not heard of the hour being fixed for nine were not in court. In the absence, therefore, of Mr. Leahy,

Sir C. O'LOGHLEN proceeded to open the pleadings. He said this was an Action for Libel, in which the Rev. Charles Gayer was plaintiff, and Patrick Robert Byrne, defendant. The declaration contained three counts. Damages were laid at £1000; and the defendant pleaded, first, the general issue, and, secondly, a part justification and part apology at the earliest opportunity; upon which the plaintiff joined issue, and the present action was brought.

Mr. BENNETT, Q.C., stated the case. He said, Gentlemen of the Jury, my learned friend, Sir Colman O'Loughlen, has opened generally to you the nature of the case which it will be my duty to lay before you with more particularity. Gentlemen, you are empanelled as a Special Jury, selected by consent of both parties, and struck from a most respectable panel, for the purpose of recording the opinions of the County of Kerry on a most important question. Gentlemen of the Jury, I will address you with that undissembled confidence with which I have uniformly addressed the gentlemen of this county, and



submit to you a case, which, if I am not greatly mistaken, calls for a verdict with very considerable damages. Gentlemen, I am confident you will give this case a fair and impartial enquiry, and that your verdict will speak the sentiments of honest, upright men. The plaintiff in this action is the Rev. Mr. Gayer, rector of the parishes of Ventry and Dunurlin, assistant curate of Dingle, and curate of the parish of Kilmalchedar. In those parishes he has several arduous duties to perform, and those parishes and that of Dunquin form a considerable part of the western promontory of Dingle. The plaintiff's duties are very extensive, his income very moderate, and his family large. The defendant in this action is the Editor of a newspaper printed in this town, called the *Kerry Examiner or the Munster General Observer*. The plaintiff complains of two publications in that newspaper, one bearing date the 22nd of November, 1844, and the other the 26th November, 1844. The two cases are joined in the same pleadings, differing in some respect from other cases which have lately occurred, in which two different actions were brought for two different libels. Here, as I have already said, the two causes of action are joined in one. For each, or either of these, or both of these, your verdict is required. Gentlemen of the Jury, in order to entitle the plaintiff to a verdict, you must be satisfied that a libel is contained in one, or either, or both of these, and also be satisfied that the defendant here has no legal excuse for having published those libels, and, gentlemen, if you be satisfied on these two points, then it will be for you to enquire what amount of damages the plaintiff is entitled to.

Court—Is there a copy of the alleged libel? If there is, I should wish to have it, so as to enable me to go along with counsel in his observations.

The Solicitor for the plaintiff here handed up a copy of the newspapers to his Lordship.

Mr. BENNETT—Gentlemen, I think it may be necessary, before I allude to any of the facts of this case, to refresh the recollection not only of myself, but that of the gentlemen whom I have the honour to address, and of my learned friends about me, as to what a libel is said to be in point of law. We have not had many of them—and I am happy to say so—in this county, and, therefore, it may not be inexpedient to refer to it. A libel—I speak under his Lordship's correction—is defined to be a publication without justification or legal excuse, which is calculated to injure the reputation of another, by exposing him to hatred, contempt, or ridicule. That is the definition given in the law, which his Lordship will tell you is correct; and you may perceive it throws a protection over the character of every individual similar to that which it throws over his property, his liberty, or his life. And here I will say, that there are not a few persons in this county who would look on any injury to their character as equally serious with—nay, worse than—an injury to their property—perhaps I might say their lives. And why? Because, Gentlemen of the Jury, my own opinion, concurs, I believe, with yours—that life without character is not worth preserving, and I would look upon that person who would injure my character—and, I believe you'll agree with me with respect to yours—to be as bad as—perhaps, I might say worse than—the person who would make an attempt upon my life. Gentlemen of the Jury, this is more emphatically the case with respect to professional persons, who are indebted not only for their own peace, and comfort, and happiness, but I would say, who owe their prosperity in life, as well as their public usefulness, to the character they maintain in the world. Gentlemen of the Jury, among those to whom that observation would most strongly apply, stands the individual whose humble advocate I am—a servant of the Most High—a clergyman of the Protestant Church; in fact, I may say of him—and I may appeal to my friends around who I know value it as much as I do—that the character of such a man is his best property. Gentlemen of the Jury, if that character is unjustly, unfairly assailed,

and that a person who does not deserve it, is held up to the hatred, ridicule, and contempt of his fellow-subjects, I say it calls upon a jury with loud tongue, to mark by their verdict the sense in which they hold that principle—the weight which they attach to character—and to compensate, by liberal damages, the injury done to the outraged feelings and reputation of the individual. In short, their verdict should set his character right in the estimation of the public, and that can only be done by you on the present occasion, by marking your sense of the libel by large and liberal damages. Gentlemen of the Jury, having made those preliminary observations, I shall now introduce you to the circumstances of this case. The Rev. Mr. Gayer came to Dingle, a town which you know is in this county, as chaplain to Lord Ventry, in the year 1833, and from thence he remained in that district with very brief exceptions, up to this present time. There was then in Dingle a small church only, no other place of Protestant worship in that neighbourhood, and no school. In 1840, he was appointed to the rectory of Dunurlin, and in 1841, after having served in his ministry eight years, he was promoted to the rectory of Ventry, exhibiting that, at least, the patrons of those benefices thought him worthy of promotion; and I may say he deserved it by his conduct—his exemplary conduct, his piety, his charity, and benevolence in that country. Gentlemen of the Jury, about the period of 1833, or 1834, some respectable persons in that part of the country thought proper to change their religious persuasion, and become Protestants; gentlemen of the Jury, I am speaking in the hearing of lawyers—I am speaking in the hearing of christians—I am speaking in the hearing of gentlemen—in the hearing of patriots—in the hearing of persons professing every religious and political creed—in the hearing of persons alive to all the passions, all the sympathies, all the estimable virtues of human nature—and I say, without hesitation, I do not believe among my friends—and I call them friends from the bottom of my heart—there is one in this court who will not assent to my proposition, that every person in this free country has an indisputable right to follow the dictates of his own conscience, and adhere to any profession of faith he may think fit. Gentlemen of the jury, whether the changes then made were right or wrong, it would not be for me to discuss. The parties, one and all, will one time or other stand before another tribunal—an unerring tribunal—to account for their consciences. I, in my humble situation, even if I were capable of doing it, would not think a court of justice the place in which I would presume to discuss a proposition of so serious a character. I may say for myself, that I have satisfied myself upon the subject, and I may be permitted to add that I look on it as impossible that I can be wrong, because my profession of faith is founded on the Word of the unerring God! I may say of my brethren of the bar, many of whom differ from me most essentially, that from my conscience I believe that their profession and mine has a like solid foundation, and though we do differ in some respects most essentially, I believe we all agree in looking to one common God—one common Saviour, for atonement for our transgressions in this life, and our hope of immortality hereafter—(sensation). I would call on my beloved brethren of the bar to witness now—and I may here speak it as of friends for whom I have contracted the closest ties of friendship—I would call on them to say, whether, amongst our community—in our profession we do not meet here, and at our table, just as if we were of the same persuasion. We know, thank God! no differences. Each respects the other for his conscientious feelings. We live on terms of friendship and harmony, and I trust we shall die with the same kind feelings towards each other. Gentlemen of the jury, Mr. Gayer, if it be a fault, attended to the religious education of the flock committed to his charge. His attendance to them was such as became his sacred functions, and were suited to the district, which, without meaning to utter a word of reflection on his predecessors, improved in religion, education,

morality, and virtue. Indeed, it would almost appear as if the Almighty had, with especial favour, crowned his labours, so far as his own congregations were concerned, with success. Gentlemen, I told you there had been a deficiency not only of churches but of schools in Mr. Gayer's locality; that Mr. Gayer's funds were moderate, and his family large. In order, therefore, to collect funds for the purpose of building places of worship and schools, he had to solicit contributions from all who were willing to contribute. By that means, the first fruits of his labours, his little Church was enlarged and a school built. His exertions were spread over a large district. Ventry is distant from Dingle about three miles: Dunurlin six, and Kilmachheader four. He attended to the duties of those different parishes with assiduity. Gentlemen, the number of persons anxious to attend his church increased, and it became necessary to build additional churches.—One was built at Ventry, another at Dunurlin, and school-houses were also built, and all this was done, I must tell you, from benevolent motives. There was neither terror, threat, force nor any other means, but simply the exertion of charity. The only weapon made use of on these occasions was the Word of the Almighty God, and the parishioners being instructed in the principles of religion, the condition and habits of such as attended to his ministry were improved. Gentlemen of the jury, in addition to this, Mr. Gayer also promoted works of charity in the country, no matter what was the profession of the objects of it. He was benevolent to all. If the fishermen became distressed through the inclemency of the weather, or on account of scarcity, or if any other cause brought these poor people into distress, this gentleman was found assisting them, collecting means for their relief, and distributing it himself without distinction of religion or class. By this means he succeeded in alleviating misery and relieving distress to a considerable extent. Gentlemen, he did collect contributions, and those, with the assistance of his own moderate means, enabled him to establish a fund by which he fed the hungry, clothed the naked, and gave comfort to persons of all persuasions, and I believe I may say he was beloved by persons of all persuasions, in that district. And, gentlemen of the jury, give me leave to tell you, there is nothing whatever that creates in the human mind affection and respect more than the practice of human virtue and christian charity. While erecting those buildings, which were done under Mr. Gayer's superintendence, he adopted no such thing as exclusive dealing. He employed Protestant and Roman Catholic alike. He was the benefactor of both. Not even with respect to servants of his own house did he observe any religious distinctions. Gentlemen of the jury, I have presented to you, what I believe, the true character of a christian minister, engaged in the performance of a great duty, using no arguments but those of charity, benevolence, piety, and virtue; and succeeding in gaining in the country, in a widely extended circle, that character which he so eminently deserved—that of a christian pious minister. Gentlemen of the jury, I am sorry to state that I cannot say as much of other persons in that neighbourhood latterly. I do not name them. I would be very glad I had not the necessity of alluding even briefly to them. I shall, in the discharge of my duty, allude to them with as much delicacy as possible, by merely saying that they used very different means to shew their zeal for what they called their religion; and instead of argument—without looking to the foundation of truth, the practice of charity and benevolence—persecution to a great extent, I am sorry to tell you, was exercised by them in that district. And, gentlemen when it is perfectly well known, in this county, that in that district many persons thought proper to change from one religious persuasion to another, and those of the poorer classes met with a severe and hard-hearted persecution on account of that change, it will be seen that it then became necessary, in order to protect them—I might say to protect their *lives*—to have further subscriptions raised for the building of some small houses in which they should receive

shelter—neat cottages for those persons who actually wanted habitations. Gentlemen, subscriptions, of course, were necessary for that purpose. In the summer of '44, a Clergyman of the Roman Catholic Church, named Brasbie, thought proper to change his religious persuasion, and not long after that the editor of this paper thought proper to libel Mr. Gayer. Gentlemen of the jury, after eleven years, during which Mr. Gayer was engaged in those exertions which were called forth in the discharge of his duties as a minister—after he had been practising, as I told you, all the christian virtues that adorn the minister—I am sorry to say there was found in this country a man to slander and libel him for it. Gentlemen of the jury, that man is the present defendant. It is perfectly true that there were in that district of Dingle, Ventry, Dunurlin, and Kilmachearad, a large number of persons who changed their persuasion, to the amount at least of 800 during those eleven years. There is no doubt of it; but there is as little doubt that they had a perfect right to do so, and no doubt at all that even if they did wrong, a newspaper writer had no right to libel a Minister of the Church in consequence of that. Gentlemen of the jury, I now come to the month of November, 1844, about which time Mr. Gayer, for the purpose of keeping up these funds, or increasing them if you please, with a view to the erecting of schools and other buildings, and carrying out other objects of charity, visited the town of Belfast and the city of Edinburgh. He went there for the purpose of soliciting subscriptions in order to assist in carrying on those works. While in Belfast he was afflicted with a dangerous illness: he was so ill that he was not able to leave his bed to attend a meeting of gentlemen who had assembled for the purpose of meeting him, and contributing to the object, in the carrying out of which he was engaged. It was about that time—while he was away—that the first libel to which I shall call your attention was written. And now, gentlemen, having called your attention up to this period, I will now call your attention to the pleadings as they stand, as well for his Lordship's information as for yours, and my friends at the other side. The learned counsel having read the various counts in the declaration, proceeded to read the several articles which appeared in the *Kerry Examiner*, on which the action was founded; the first of which published on the 22nd November, was as follows:

INFAMOUS PERVERSION OF FACTS AS WELL AS OF PERSONS IN DINGLE.

"It is really astonishing to what extreme lengths the spirit of falsehood and fabrication will carry the hypocritical dealers in cant, the whole tribe of pharasaical traffickers in tea, tracts, and fraud. In fact, so frequent are the lies, so accumulated are the impostures, uttered and resorted to by all and each of these false teachers, these wolves in sheep's clothing, and the unfortunate dupes that compose their flock, that if we could wield as many pens simultaneously as there are quills in a porcupine, we should not be able to meet the one hundred part of them. so as to refute the one, and expose the infamy contained in the other. While we have their followers at home, in their own locality, we have some fair play at them, for if they 'draw the long bow' then, there are too many eyes upon them to allow the schemers to triumph long in their iniquity, and the huge lie is at once hurled back on their own heads. They are, therefore, more cautious where detection and exposure follow instantly on the heels of each mercenary perpetrator of each pious fraud. All this they know, and therefore their nature is somewhat migratory, but unlike the feathered race, their migrations are not regulated by degrees of heat and cold—the bleak north is as congenial to the fanatical squad, as the more temperate south, and therefore, a winter in Belfast is to them quite as agreeable and healthy as a sojourn for the summer season on the shores of the Cove of Cork, Ventry, or Dingleycough. A LIE is never out of place or out of season with them—in summer and winter, in autumn and spring it blossoms on their lips, in every climate of the world they expect to pluck its fruits and gather in its golden harvest.

"We have been led into these observations by the perusal of a statement which appeared in a late number of the *Belfast Commercial Chronicle*, which has been forwarded to us, and to the statement in which our special attention has been directed. The Rev. Mr. GAYER, after all, has not been able to escape our clutches—we have the delinquent by the ear, and sick as it appears he is, we bring him back to Kerry to punish him here also for the LIE, provided the sickness with which he is already visited, as if by a SUPERIOR POWER, will permit him to revisit the former seat of his fanaticism and fraud.

"The following is the statement we alluded to —

"*Dingle Mission.*—Rev. Charles Gayer.—Considerable sensation was created in Belfast, by a report that this eminent clergyman was suddenly visited with dangerous illness. A meeting, which was summoned for twelve o'clock on Monday, at the Commercial Buildings, was attended by a respectable assembly, anxious to hear from the lips of Mr. Gayer an account of the singular facts connected with the conversion of EIGHT HUNDRED Roman Catholics, together with that of the Rev. D. L. Brasbie, &c. in that remote part of Ireland. Among the clergymen present were Rev. Dr. Drew, Rev. Messrs. McIlwaine, Bland, Richard, Oulton, Wrixon, Allen, T. Campbell (Trinity), J. S. B. Monsell, A. Oulton, W. Campbell, (St. Mathew's), M'Donagh, &c. The cause of Mr. Gayer's absence having been stated by Rev. William McIlwaine, the Rev. Dr. Drew was called to the chair. The meeting was opened with prayer by the Rev. A. Oulton. The chairman addressed the meeting on the subject which had called them together; he stated, that although all alarming symptoms had providentially entirely disappeared, under the treatment of Dr. Purdon, yet that Mr. Gayer was enjoined not to leave his room; that it was the opinion of friends, that the meeting then met should not dissolve without hearing some statements which Mr. McIlwaine was prepared to make, as he had heard them from Mr. Gayer. The Rev. Mr. McIlwaine then entered into many highly interesting details connected with the Dingle Mission, and read many letters illustrative of its progress. He produced several curious appendages which once belonged to the converts, consisting of stole, scapulars, and badges of the order of St. Joseph, &c. He also read passages from various books, explanatory of these; he also produced a singular and most inflammatory poetical composition, which was sung through the Dingle districts, as a reproach against the converts. The letter of the Rev. D. Brasbie was warmly received, and appeared to be the composition of a conscientious Christian, and highly educated scholar. A resolution was moved by Rev. Theophilus Campbell, and seconded by Rev. R. W. Bland, expressive of sympathy in Mr. Gayer's indisposition, and of determination to give support to the Dingle Mission. The meeting concluded with the doxology, and the blessing pronounced by the chairman. A collection, amounting to upwards of £17, was made at the door."

"It would appear from the above article, that the fate of Ananias had nearly overtaken MR. GAYER—he meditated a LIE, and before he had time to utter it he is struck down.—Ananias spoke the lie and he fell dead—GAYER intended one, and he fell sick. This is the difference between them."

"Now, in proof of the falsehood of the contemplated assertion that there were 800 persons converted from the Catholic Faith, through the agency of the Dingle Mission, we have only to refer to the letter of one of the most seemingly besotted in intellect of the entire gang, signed, 'HERBERT J. CLIFFORD, Lieut. R. N.' published in the EXAMINER of Tuesday last. In that letter the canting Lieutenant tells us in a boasting parenthesis, that the number of the "converts" is 250! Yet Mr. CLIFFORD is a better authority on this point than he would be as to the true interpretation of a difficult text of Scripture—for let us tell him *en passant* that we have the authority of the same sacred volume for stating, that in the Scriptures '*are many things difficult to be understood, and which the unlearned and the unstable wrest to their own destruction.*' Let Mr. CLIFFORD and the rest of the proud, presumptuous cluster of mercenary fanatics ponder on these words, and learn humility and docile submission to the authority of the Church, before they dare to arrogate to themselves the privilege of being considered the chosen repositories of Scriptural knowledge, the favoured ones who can clearly see and point out the true path, while they are themselves wandering through the mazy labyrinth their own unguided reason has constructed, the victims of their rebellious pride, the lost creatures of error, the living monuments of mental degradation, when the human understanding rejects the light which heaven intended for its guidance in matters of Faith, and presumes itself capable, by its own poor and dangerous light, to find its secure way over the moral steeps, the quagmires, the rocks and precipices that thickly beset the region of perplexity, doubt, and difficulty, into which it had rashly ventured to wander unguided. But to the point we have wandered from—

"The pious Navy Lieutenant, now Officer of Coast Guards, has stated the number of converts to be 250—'neither more or less'—but Mr. GAYER, to astonish the wisecracks of the North, boldly asserts by deputy, as sickness prevented himself from being the immediate utterer of the mendacious assertion, that 800 converts from the Church of Rome are numbered among his flock in Dingle, the trophies of his zeal and success in the 'good cause.' This, of course, was eagerly swallowed by all the rest of the 'righteous rats' in that quarter of our island, as one of the best things that occurred for a long time, one of the most useful for their purpose, and the most *apropos* to stir up the old women of the North to renewed acts of righteousness, in behalf of the sinking funds of the 'Home Mission' humbug. How long will those delusions be permitted to continue? How long will such impostors be allowed, under the assumed title of '*Reverend*,' to poison the purest springs of the human heart, by taking advantage of the weakness of the unsuspecting, and making the god of their avarice appear to the half-blinded vision of their to-be-pitied dupes as the TRUE GOD OF HEAVEN; to whose honour solely all their zeal, all their activity, is directed, in whose honour all—their immeasurable LIES are uttered? We have not space enough to proceed farther."

Gentlemen of the jury, the Roman Catholics and Protestants of Kerry read, the rich read, the poor read that paragraph, circulated in the absence of that respectable Clergyman, by the unfeeling, the heartless person against whom this action is brought, who so blasphemously alludes to the Almighty while penning his foul—his most atrocious slander. But this was not enough, and on the 26th of November appeared the following :—

THE DINGLE "MISSION"—AN ITINERANT IMPOSTOR.

"We denounced in strong terms on Friday last, the abominable system of LYING, by which the *Rev. Mr. Gayer* is endeavouring to sustain his *disreputable* career, in the districts of Ventry and Dingle. His, indeed, is a course of life to which all respect for truth and decency seems to be studiously sacrificed, for the sake of the *daily sustenance which his animal wants* require. The Scriptures in the hand, and the tongue, heavily encumbered with LIES, earnestly enforcing the observance of the one, and as earnestly propagating the other! And oh! to think to what vile uses these same Holy Scriptures, this awful *Volume of the mandates*, the instructions, the threats, the mercies of the MOST HIGH is turned by the remorseless villains, who thumb over its sacred pages for the most diabolical of purposes, and

'Like the bees of Trebizond,  
Which from the sunniest flowers that glad  
With their pure smiles the garden round,  
Draw venom forth that drives man mad.'

Only think of a self-styled minister of heaven, who would fain persuade the dupes among mankind, that he has his charter from the GOD OF TRUTH, travelling from town to town, crossing over seas, from the cities of one Kingdom to those of another, boldly, basely, and daringly attempting, with but too much success, to impose on the credulity and the simplicity, or rather we should say, the asinine stupidity of his hearers, and proclaim as a fact that which had no existence but in the *inventive wickedness of his own perverse mind*. We followed this GAYER to Belfast and detected him in a LIE. Sickness prevented him from being the immediate utterer of it, but it appeared that, being disabled himself, he was at no loss among willing abettors of falsehood, to procure a deputy to appear before a crowded assembly, and in his name, conjunctively with that of the father of falsehoods, to assert that EIGHT HUNDRED CONVERTS from the Church of Rome had become his disciples in Dingle! We think we sufficiently exposed the infamous mendacity of this assertion in our last—we sent a number of the Examiner of Tuesday to a Belfast Paper to counteract, as far as possible, the mischievous efforts of this man's *unscrupulous conduct*—the conduct of a *desperate and daring hypocrite*.

"Well, we have now caught him in Edinburgh, as will be seen from the following advertisement, taken from an Edinburgh Paper of the 16th instant :—

"DINGLE COLONY, COUNTY OF KERRY.

"There will be a Meeting held (God willing) in Gibbs' Royal Hotel, Prince's-street, on Monday next, the 18th inst. at two o'clock, when the Rev. Charles Gayer of Dingle, will detail the work of Reformation in that District, where a Roman Catholic Priest and Eight Hundred persons have left the Church of Rome.

"The Christian public are respectfully invited to attend.

"If this *gay* propounder of the sacred word was too sick in Belfast to open his mouth to tell about the Priests and the Eight Hundred, it seems that in Edinburgh he made atonement for his silence before his Northern auditory in Ireland. The addition of a Priest to the number was no trifle—it was forgotten in Ireland, but the cunning imbibed in a Scotch atmosphere inspired the Irish fabricator of *pious* lies to improve his invention, by making it appear, that on one fine morning a Priest and Eight Hundred Catholics marched in a body beyond the jurisdiction of the 'Popish Priests,' and took up their abode with the soup-bloated tribe, encamped within the precincts of the Dingle colony of traitors to their FAITH, their SOULS and their MAKER. What a system of delusion! what a system of infamy, that can be supported by no other props than those which calumny, falsehood, hypocrisy, and the most unmitigated devilment in all its varied forms can supply. We trust our Northern neighbours, both Irish and Scotch, will open their eyes to this crying delusion, that they will pause before they fulfil their promises of support. We trust our Edinburgh cotemporaries will believe us, when we thus publicly declare, that GAYER's statements are founded on the grossest delusion, and on the *most barefaced, infamous falsehoods*, and that if in their honest simplicity they have given credence and support to this *itinerant propagator of lies—his only trade and calling*—they will take immediate steps on the perusal of this article to exhibit him in his real character, and save his dupes from the crime of being accessories to the maintenance of this dangerous man, in the *awful course of iniquity* he has entered on for his own *selfish ends*, and to the ruin of many.

"Such is the use to which the Bible is converted in Ireland, by the fanatical mercenary advocates of its indiscriminate circulation."

Gentlemen of the jury, if I were to say which of those publications of the 22d, or 26th was the worse, I should be at a loss to know which. Remember the definition I gave you of libel, that is of persons who are held up to either hatred, contempt, or ridicule, and therefore the character that is affected by such publications must be restored by substantial damages, because if damages in a case of this kind are small the public will naturally say, "Oh! this was a fellow of insignificant character." What does it charge him with? With being an "itinerant impostor," an uniform perverter of facts, a hypocrite, and a dealer in cant, and he is called a pharasaical trafficker, a liar, an impostor, a false teacher, a mercenary promulgator of pious fraud. He is called a travelling liar, revisiting the seat of his fanaticism and fraud, and he is compared to the liar Ananias who was struck dead by God because he told a lie. All this is repeated in the publication of the 26th with aggravated malignity. Is it to be endured to hold up to the odium of the world a gentleman of respectable family, of respectable conduct through life, and a minister of religion, and, gentlemen of the jury, I know you will believe me when I say that I would not with less energy advocate the cause of a Roman Catholic clergyman than I do under the present circumstances that of the Protestant clergyman which is committed to my care. They have entrusted me before now with their cases and often I have had the satisfaction of knowing that I made among them friends and acquaintances, and in hearing from their own lips that I have had the good fortune to acquire in their mind feelings of personal regard and respect towards me. Possibly, if I were advocating the cause of a Roman Catholic clergyman I would endeavour to exert myself even with more warmth. "Filthy Soupers!" Gentlemen of the jury, this is new language to me from a person alleging that he is a sincere professor of the Roman Catholic faith. I know, as I have already said, that I am in the hearing of several of that persuasion, and I would appeal to them as christians, as I believe they are men who value the pure principles of that religion which teaches us to love our neighbours as ourselves; which teaches us instead of reviling those who revile us to act the very contrary—I would appeal to every gentleman who hears me if this kind of language were used towards any one he loves, who has a feeling of religion or patriotism in his heart, would he not feel disgust and abhorrence at it? "Filthy Soupers!" why, if they do conscientiously change their opinions, is that a reason that this person is to presume to prejudge their souls. Oh! he might have learned from that sacred book which he has polluted by quotation, how differently he should treat those who act conscientiously, honestly, and uprightly. But if those men who have changed their religion acted ever so wrong, or erroneously, he has no right to calumniate them in the manner he has done. I do not wish, gentlemen of the jury, to use a single expression disrespectful to the members or the ministers of that Church which those persons have left. I have formed the greatest friendship and closest intercourse with them. They are as attached to me as I to them. I wish to the God of Heaven the members of both communions would act in the same manner, in the same affectionate and kindly spirit in which my companions at the bar act. Then the country of our birth and of our affection would be a paradise—all our religious dissensions would be at an end, and we would meet, if not at one common altar, at least with one common object—the good of our country, the love of our fellow-men. Gentlemen of the Jury, in what a different spirit has this heartless calumniator conducted himself! Oh! he read a *part* of the Bible; but, gentlemen of the Jury, he used the holy word in the spirit of that unholy one, whose name he has called to his aid while flinging off his abominable calumnies, and who is associated in our minds with the ideas of horror and disgust. He has read the Bible! but how little has he gathered from it of the religion of him, whom others reviled but he reviled not—whom others persecuted but he persecuted not them, Yes! the Being who could wield the power of the universe—who could

call to his assistance legions of angels, suffered, as every humble follower of his will suffer the greatest indignities, the most insulting attacks upon his body, his character. This is the religion which we profess—which every sincere Roman Catholic professes, and of which if the Defendant possessed one particle he would never have disgraced the columns of his journal with such atrocious libels as these. Gentlemen of the Jury, I feel that my client has a right to the protection of those laws on which the religion of you and all of us collectively and individually is founded. When you, gentlemen of the Jury, leave that box, your verdict I believe—I am *confident*, will be an honest one. You are to consider this proposition—is there a libel? A libel! If there is not, *never* was a libel written. I never, in the whole course of my experience, heard of a publication more loudly calling for damages than this. I am pleading, perhaps—indeed I know I am—to gentlemen of the Roman Catholic persuasion, and I do so with unhesitating confidence in the result. I call on them to tell me, will they countenance a man—I care not what his persuasion—who would calumniate his fellow-men—above all a Christian Clergyman—as has been done in this article? I repeat I do not care what is the persuasion of those whom I address. I know their situation—their rank in life—their intelligence, and their public character assures me they are *gentlemen*. As gentlemen then—as christians—as members of a civilised community, I ask them to pronounce—is it a libel to call a man who does not deserve it a liar, an impostor, a hypocrite? Tell me, if any of you were so called how would you feel it? If you were called a travelling mendicant, an itinerant hypocrite, how would you feel it—how would your families feel it? And, yet here was my client in that position, calumny after calumny, libel upon libel reiterated and repeated against him. My client may have been mistaken in his views—the defendant, it may be, thinks so; but even so, was he on that account, in a free country whose constitution allows every man to hold whatever opinions he choose, to be made the subject of calumny instead of being met with reason and with argument? Was the defendant to take up the press and wield its power against my client because he worked with zeal in his ministry? Gentlemen of the Jury, I believe you have read the Bible with very different results from that at which the defendant has arrived, and I need not, therefore, tell you that you will not find from the beginning to the end a single passage to warrant such a course as this case will establish. But, gentlemen, I believe you see that it is a libel—I believe my good and excellent friends at the other side told their client, “Sir you have no defence to make; therefore if you would ward off heavy damages, put a fair, a full, and ample apology in your paper.” He did make an apology; but, gentlemen, we shall see what kind of a thing it was when they bring it forward. Gentlemen, said Mr. Bennett, in conclusion, I am afraid I have kept you too long. The case intrusted to me is a long one. Before I conclude, however, I may be permitted to mention, when my esteemed and respected friend, whose humble advocate I am, consulted me as to where he would bring this case, my answer was—in the county of Kerry. It is there, for forty-five years I have seen justice administered with impartiality by Roman Catholic and by Protestant. Do not be afraid of a Kerry Jury whatever their persuasion. The Roman Catholics of Kerry are men of honor and of truth. They mingle with their Protestant fellow-countrymen on terms of indiscriminate friendship. Gentlemen of the Jury, for myself, I am happy to say I have made long and lasting friendships among them. Many of them whom I have had the honor to address in that box, are buried in an honorable grave, and my heart tells me that their successors will continue the same even and high-minded course of impartiality, giving to those of every persuasion, who come into the temple of justice to seek redress, the most ample satisfaction—that wherever the miscreant is found who will dare calumniate the character of another, they will be ready to retrieve the feelings, restore the character of the injured, on the



one hand, and punish the delinquent on the other. Gentlemen of the Jury, I ask for justice on every ground on which a lawyer can claim a verdict at the hand of a jury. I call on you to restore the plaintiff to society, as one who is neither a hypocrite nor an impostor, and to give such damages as will mark your value of character. I will repose my client's case in your hands, assured that you will give redress to the innocent and bring punishment to the guilty, without favour to either party, but solely guided by the principles of truth and justice.

E. BATTERSBY, Esq., sworn and examined by Mr. Freeman, Q.C.—Is attorney for Mr. Gayer; produces attested copy of the declaration of Mr. Cooper as to the defendant's proprietorship of the *Kerry Examiner*; the writ was issued on the 2d of January last; it was sealed the same day: got six papers from the stamp-office (the papers were handed in and marked); got the papers from Mr. Vernon, the proper officer, giving him proper security to return them again; the signature of the defendant appears on them. They were dated 22d and 26th November, 17th December, 1844, 10th, 28th, and 31st January, 1845. Those of the 10th and 28th January were as follows:—

PARSON GAYER AND THE SOUPERS, v. THE KERRY EXAMINER.

"We have been served with a writ from the Court of Exchequer, at the suit of the Rev. CHARLES GAYER—*holy, meek, and patient man*, who, it appears, can no longer tamely endure the melancholy suit of revolt, mutiny, and desertion in the camp of his soup-fattened followers, but with much walling and gnashing of teeth, turns round with foaming indignation on the *Kerry Examiner*; and in his impotent rage, seeks vengeance on our devoted head, by way of satisfaction for his discomfiture and disappointment. Poor man; there should be great allowance made for the frothy ebullitions, and the sudden gusts of rage that accompany the departure of hope and the approach of despair. While the "Colony" prospered—while its inmates shewed signs of being proof against the assaults of "Romish" pens and a "Romish" press—while the old gulls in petticoats, and the old gulls in pantaloons, continued with a bountiful hand to pour the good things of this life into the midst of the pious crew, to the huge satisfaction of their gastronomic propensities, and much to the enhancement of the *animal comforts* of Messrs. GAYER and MORIARTY; while we say things went on "swimmingly" in the camp, and fools were found in abundance, without, to supply the flesh-pots within, the "guns" of the *Examiner* were discharged without creating alarm—the "thunders" never disturbed the saints at "mess;" GAYER smiled in triumph as he looked around, chuckling with delight over his fancied security, and therefore, only now and then threatened to hurl the "soup-ladle" at our head, if we did not retreat from our position. But when outworks were at length seen to yield to the enemy's repeated assaults—when the breach was made, and the shot flew in all directions, and his ungrateful followers, seated round the great pot, whose greasy contents they had been so long smelling, hastily rose and fled; some back to "Rome," and others beneath the parson's skirts for refuge, but evidently watching an opportunity to take to the "old road." Human patience, the patience of the *saintly Gayer and Co.* could go no farther, and lo! in one fitful burst of mingled rage and disappointment, they rush up to the Court of Exchequer, thence mount the great dome of the Four Courts, and taking steady aim, discharge through a tube, on the atmospheric principle, with a tremendous blast, a roll of parchment, about twelve inches long, and five inches broad, which duly reached us at the time and place intended, but without communicating the slightest shock to our nerves. Well, really, we believe the crafty contrivers of this affair expected to frighten us, but they should have known us better. Do they expect to silence us? Vain expectation; while there is a remnant of that gross delusion, the Irish Society schemes of proselytism existing in this county, and while we are able to wield a pen, we shall not cease to expose the *infamy, the corruption, and wickedness* it covers. As to libel, it is a mystery to us in what part of our writings Mr. GAYER has discovered a ground for action; he may feel very sore no doubt, that we do not suffer his *fanatical* doings to pass unnoticed, or the dangerous system he so zealously supposes, to thrive and prosper without an effort on our part to crush it. It may be very annoying "to call a spade a spade," to give "a humbug" its proper designation, and term an "impostor" by his proper name. But that is no reason why the spade should strike us, the "humbug" grin at us, and the impostor wax *ferocious and wrathful, as if he did not know himself by the appellation*. Folly; *clean hands are required in a court of justice*. Come, my good Sir, examine yours, and then say if you are ready to encounter the scrutinizing gaze of the court, the bar, the jury, and the public. Come and put the Irish Society on its trial, for it is it, not we, which shall be tried. Submit its constitution and its practices to public opinion—unveil its abominations, and exhibit the delusion it cherishes—the discord it ingenders—the ~~chambers~~ *chambers*, the slanders it propagates against the Catholic portion of her Majesty's subjects. Shew forth its effects on the mind of its entrapped victims, the infidelity in religion, the depra-

vity in morals it has been horribly productive of—recount the falsehoods, if not too numerous, that have fallen from time to time from the lips of the reverend and irreverend supporters, its varied schemes of imposition on the credulity of pious simpletons at either side of the British channel, induce them to draw wide their purse-strings, and transfer the purses' contents to the coffers of *itinerant traders in religious cant*; produce in court your Irish Society, with all those and a great many other damning evidences of its wickedness, and then appeal to a jury for damages against the editor of the *Kerry Examiner*, because he dared to strip the monster of the borrowed garment of innocence it assumed, and exhibit it in all its hideousness of form before the public. Whatever the result be to us, the result to the society will be, and we feel confident as to its certainty, that its dissolution will speedily follow—its abettors and disciples be prostrated; and the country finally delivered from one of the greatest curses it has ever been visited with. Come, then, all and each of you, the foremost firebrands in the march of the society, we are prepared to meet you fearlessly—we know our cause and we know yours. It is not the religion of Protestants we have assailed, but a system destitute of all religion. A system that substitutes infidelity for the faith of Christ, and renders the depraved that have joined it tenfold more "the children of hell" than ever they had been before. It is a system which every true Protestant as well as Catholic should help to annihilate."

THE REV. C. GAYER, OF DINGLE, v. THE PROPRIETOR OF THE KERRY EXAMINER.

"The Reverend Apostle of *Peace fighting* under the banner of the Irish Society, seems determined to follow up his evangelical system of combat; and because we have not approved of all his pious '*sayings and doings*,' has filed a Declaration against us before the Barons of her Majesty's Exchequer in Ireland, in the hope, no doubt, of being permitted by the verdict of a jury, to dip his hand into our private exchequer, and draw therefrom a fitting sum to renovate his faded character, AS ALLEGED, and to soothe the pangs of his deeply-wounded feelings. We received this day (Monday) an attested copy of his declaration, which covers NINETY-ONE pages of office sheets, and, as we understand, fills six skins of parchment in the original. This is all very good for the sake of accumulating expense; in fact, if possible, to annihilate us, no stone is to be left unturned. What care the Irish Society for expense? Their funds, if now at a discouraging lowness, will soon swell to overflowing, to run down and crush the EXAMINER. The Saints will bristle up with indignation and sing psalms in the prospect of REVENGE—the old women in pantaloons and petticoats will pour in with renewed cheerfulness, amounting to ardour, their subscriptions to the persecuting fund—there will be no lack of money; and *spite, and rage, and vindictiveness thirsting* for the moment that shall show them their enemy prostrate, will thrust forth all their united horrors—for false piety and false religion have a wonderful tendency to the display of such exalted virtues. Having failed to crush us by imprisonment—and having with sorrowful hearts discovered that the loss of liberty produced in us neither a loss of spirits, nor a loss of flesh, nor a loss of happiness or of comforts, they have thought it as well to try "what virtue there might be in stones,"—seeing that the grass of the county gaol proved harmless, notwithstanding they continued pelting us with it for six months. Now, although one is more effectual than the other in breaking heads when pelted at them, yet we are of opinion that *neither stones nor grass will succeed in dislodging us from our position. We come into court, armed, we think, with a good cause.* What description of case has PARSON GAYER to submit to a jury to entitle him to compensation in the shape of damages for some imagined grievance? for some expressions of ours that was not quite to his taste, although his own organ in this country has exhausted the whole vocabulary of abuse against us, against the Catholic priesthood, and against every thing the most sacred connected with our holy religion. We have not so written of the Protestant faith and clergy, but we have denounced humbug, we have denounced a wicked, unchristian, system of proselytism, and in so doing the leaders and interested abettors of such a system should naturally come in for their share—hence the wrath of Mr. GAYER—hence the spirit of fierce revenge. But we shall not follow the subject farther at present. One word, however, "at parting"—it is essential to the peace of the country, to the restoration of good fellowship and Christian charity, and friendly intercourse among Protestants and Catholics, that this vile system should be put down, and as far as the Almighty hath given us power we shall not cease our exertions to crush that system whilst a remnant of its desolating influence is to be found in this country. Imprison us—mult us in heavy damages and costs—we shall brave all, please heaven."

The above articles having been read,

The REV. THOS. MORIARTY was sworn and examined by Mr. Keller, Q. C.—I am a clergyman of the Church of England; I am in orders more than seven years: I have officiated most of that time at Ventry and Dunquin; I have been there since August, 1838; I am curate of both parishes; Mr. Gayer is rector of Ventry, and Mr. Goodman is vicar of Dunquin; Mr. Gayer is curate of the parish of Kilmachader, rector of the parish of Dunurlin, and assistant curate of Dingle; Lord Ventry is lay-rector of Dingle, and Mr.

Goodman is chief curate; Mr. Gayer was in the country when I was appointed curate; I am a native of Dingle. The parishes I have mentioned are all to the west of Dingle; the parishes form a promontory, which is eight or ten miles broad, and the distance of its western extremity is seven or eight Irish miles from Dingle; I know the Blasquet Islands; they are adjoining the parishes of Dunquin; they belong ecclesiastically to the parish of Ballinvoher, but for all religious purposes, they are practically connected with the parish of Dunquin. I was not always a member of the Church of England; I was once a Roman Catholic, but I ceased to be a member of that church about fourteen years ago, and became a member of the Irish church; by the Irish church, I mean the Protestant church.

Mr. Keller—May I ask how old are you? Thirty-two.

Judge Jackson—Do you think that a fair question, Mr. Keller? (laughter.)

Witness—Fair enough, my lord, for a married man—(laughter.)

Examination resumed—Mr. Gayer came to Dingle about eleven years ago, as Lord Ventry's chaplain, and as assistant curate of Dingle.

To Judge Jackson—He (Mr. Gayer) is now rector of Ventry and Dunurlin.

Examination resumed—He was appointed rector of Dunurlin in 1840, and of Ventry in 1841; when Mr. Gayer came to Dingle, there was a small but neat church there; since he came the church of Dingle has been enlarged three times; there were no churches in Ventry or in Dunurlin before Mr. Gayer came; buildings have been erected in those parishes for religious purposes, viz., a church, school-house, and parsonage at Dunurlin, and a school-house at Kilmacheader, at which divine service is performed, attached to the residence of the master; at Dunquin there is also a school-house, master's residence, and a room for the clergyman; and there is a glebe, school, and church at Ventry; there is a school-house and master's residence at the Blasquet Islands; there is now a new school-house built in Dingle; I know that all persons get free instruction at those schools; several adults receive instruction at the Sunday-schools; proper school-masters and school-mistresses are appointed; I think the six school-houses in those parishes are the finest in Munster; previous to the building of those school-houses, there were no other school-houses in that part of the country; there might have been hedge schools, but no school-houses. The funds with which those buildings were erected, were partly collected by Mr. Gayer, assisted by others; the Ecclesiastical Commissioners gave a grant to build one of the churches; money was expended partly under the superintendence of Mr. Gayer, and partly under that of the late lamented Mr. Thompson; the funds were contributed by charitable persons in the neighbourhood of Dingle, and in various parts of Ireland, England, and Scotland; I do not know whether Mr. Gayer applied any of the money to his own use, but I believe, on my oath, he is incapable of it; I know that Mr. Gayer has suffered in circumstances from the sacrifices he has made by reason of his exertions to advance the progress of conversion; I am aware of Mr. Gayer's personal attention to the school; and most extraordinary labour in every respect; I know that he attends to the duties of a Christian minister, and performs those duties with unremitting attention, both in ministering and preaching; I conceive it to be the duty of a clergyman to instruct every one who is willing to receive instruction. In the erection of those buildings a great many poor converts, who could not obtain employment elsewhere, were employed; I know that in the Blasquet Islands, Roman Catholics were prevented from working in the erection of the school-house; I cannot say positively by whom; I was acquainted with the district before Mr. Gayer came there; the church in which I officiate is attended by a pretty large congregation; some of the people in that part of the country understand no other language but Irish.

Mr. Keller—I believe that renders it necessary that you should instruct those persons in Irish?

Witness—Yes; all my services are in Irish—I preach in Irish—baptize children in Irish—and bury the dead in Irish. I am an Irishman—(laughter.) Before Mr. Gayer came to Dingle, the Rev. Mr. Gubbins established a school for the children of the coast-guards at Dunurlin; previous to Mr. Gayer's coming, the inhabitants of those parishes were generally Roman Catholics; I know many persons in that district who have ceased to be Roman Catholics, and professed themselves members of the Irish Church; since such professions they have attended the Protestant places of worship; I can state that in that district 800 souls have been added to the Church of England and Ireland; when I state that 800 persons have conformed in that quarter, I mean in the entire *district* of Dingle, and I include men, women and children, for I consider the soul of a child to be of great consequence; I have attended the death-beds of many of those converts, and they died in the faith of the Church of England and Ireland: they appeared to be quite sincere in the Protestant faith; I attended about sixteen of such persons; the change of opinion has not been confined to any one class of society; it has extended to persons of all classes as far as it has gone; I was acquainted with the Rev. Mr. Brasbie; he came as a Roman Catholic curate to that district; I never saw him officiate as such, but I understood that he did so; I was present when he conformed to the Protestant church about six or eight months ago; some of the converts were in the humblest classes of life; I have reason to know that several of them suffered persecution for changing their religion; I am aware of assistance which has been given to them by Mr. Gayer; he and I administered to the temporal relief of many of them, and hundreds of Roman Catholics besides them; cottages were erected for the poorer classes of the converts, in consequence of their great difficulty to support themselves in consequence of persecution: I have heard—

Mr. Pigott, Q. C.—My lord, we object to this; Mr. Moriarty should only speak of such things as came to his own knowledge.

Judge Jackson—Yes; Mr. Moriarty you are not to state any thing that you have heard, but what you know of your own knowledge.

Witness (in continuation)—I know of one man who was a convert and who purchased some leather, and he could not sell it, and afterwards became a Roman Catholic.

Mr. Pigott—When he got the leather he went away and became a Roman Catholic—(laughter)?

Witness—Oh! no; not at all. I fling back the insinuation. An imputation is attempted to be thrown on me in open court, that I gave him leather to become a Protestant, and that he afterwards went away. That's not the case.

Examination resumed—I know a scripture reader of the name of James Gloster, at Dunquin, and one of the name of Daniel Sullivan, at Ventry; I am aware of instances of suffering on the part of the converts; in the parish of Dunquin, some of the people are cottiers; they were refused to be sold any thing in consequence of being converts.

Mr. Pigott—Were you present, when they were ever refused to be sold anything?

Witness—I was not, but they often came and told me so, and I have bitter experience of their sufferings; I have it from their own lips; I know a man named Riordan, who bought £25 worth of leather, and endeavoured to establish himself as a shoemaker, but he was obliged to give up, and conform to the Roman Catholic faith, because he could not procure customers.

Mr. Pigott—My lord, I do not think this is legal evidence.

Witness (in continuation)—That shoemaker has now full work, because he is a Roman Catholic; he was a convert at the time he endeavoured to procure employment as I have stated; I know another convert who was a

shoemaker, and had his apprentices idle, because he could not get leather to buy in Dingle; I am aware of other instances of persecution, from my general knowledge; I am aware that converts cannot expect any employment from Roman Catholics.

Mr. Pigott objected to this evidence, as vague and illegal. Was it legal evidence to state to the jury, what was expected, or what was not expected, by a third person?

Witness—From my own observation, I know that there is persecution, and as an illustration of the case, I have to mention that I was told—

Mr. Pigott—I object again, my lord, to this description of evidence.

Witness—I don't think you will have an objection to what I am going to say.

Mr. Freeman—My lord, I contend that the evidence ought to be received. Suppose, that acting upon information he received from other persons, Mr. Moriarty made inquiry and discovered certain facts, are we not entitled to have from him, the circumstances which led him to obtain a knowledge of those facts.

The Judge ruled in favour of the objection.

Examination resumed—The converts at Dunquin hold small portions of land in conacre: persons who had no expectation of paying their rent for such land, but by going to the Counties of Limerick and Cork would not dare to go there; I never saw the life of one of the converts in danger, but I saw my own life in danger; I have seen them and myself pelted, abused, hooted at, and surrounded by an excited mob of persons, and I felt some of it too (laughter); this was done by the people of the villages throughout which I passed; several opprobrious names and expressions were used to myself and the converts; I am called all kind of names.

Mr. Keller—Would you mention some of the names, Mr. Moriarty?

Witness—I am called "lying Tom"—(loud laughter)—if you know Irish, it is "*Thomas an-ehig*," that is, literally, "Tom of the lies"—(much laughter)—I am also called "souper," and so are other members of my family—(loud laughter); we get plenty of soup there, my Lord; names are applied to several of the converts; heard people say "they were the children of the devil and hell," and saying "twas a pity to let them pass the road;" I am so accustomed to such language now, that I take no notice of it; I have heard Mr. Gayer abused in the same manner when I was in his company; I have seen converts pelted with clods and stones, and I have seen some of them injured; I was not present at any time when Mr. Brasbie was pelted, but heard the people shout after him, and crying out "*Brasbie an-ehig*," or "lying Brasbie"—(laughter); heard such language used in the neighbourhood of Dingle church, but not near the church of Ventry, for that is out of the way; there are 38 families of converts in Ventry, comprizing about 180 or 190 individuals; those attend my church regularly; in Dunquin and Blasquets there are 25 families, comprising about 120 souls, not including those who have gone back to the Roman Catholic church; there are over 150 children attending my schools; in the parishes of Ventry, Dunquin, and Blasquets, there are over 300 converts, exclusive of those who died and emigrated; two families emigrated, and three families have gone back to the church of Rome since last November; the children at the school are instructed in English; at first they did not know one word of English; the condition of those who became converts is very much improved with regard to information, religion, and morals, in my opinion, and I have heard many Roman Catholics say so; many of the converts have Roman Catholic relatives, and they had liberty to have access to them on all occasions, except such as were afraid or ashamed to speak to them; I know that Mr. Gayer has Roman Catholic servants in his house; in his distribution of charity, he was not influenced by the religious

persuasion of any persons, but performed the duties of benevolence indiscriminately; I assisted him in giving relief to all classes, and in doing so, we gave meat, potatoes, and turf, irrespective of any persons or religious persuasion; I remember the time of a storm in Dingle, when Mr. Gayer repaired the boats of some fishermen, and thatched their houses; those fishermen were mostly Roman Catholics; Mr. Gayer has collected funds for the purpose of charity; I have also done so, but did not go about for them; they were transmitted to me; Mr. Gayer went to various parts of Ireland, England, and Scotland, for the purpose of collecting funds; the money that was collected for the buildings in Ventry, was obtained by Mr. Gayer, and that for the Dunquin buildings chiefly through my instrumentality: I can swear that the funds for the Dunquin buildings were applied to the purpose which they were collected; I kept one part of the account, and the late lamented Mr. Thompson kept another; I am sorry he is not alive now to give an account of it; I am out of pocket £17 by those buildings; the funds for the Blasquet Island buildings were collected by Mrs. Thompson, and applied under the direction of Mr. Gayer; the account of the Dingle building was separate from all others; I know that a report is printed every year giving an account of the receipts and disbursements; I can't swear as to the number of converts in the parish of Dingle, but I know that there are 350 or 360 Protestants more than there were formerly; I sometimes preach in Dingle, and I see many attending service who were Roman Catholics formerly; members of my family have changed their religion before their death; about six years ago my father did.

Mr. Keller—Do you recollect any occurrence which took place at his funeral?

Mr. Pigott objected to the question.

Mr. Keller—I think, my Lord, the question is perfectly legal. We want to show the general treatment which converts have received, and consequently the necessity of collecting funds for their protection.

Mr. Pigott—Surely, my Lord, if this occurrence is six years since, we may rely on the statute of limitations—(laughter.)

After some discussion, the Judge decided in favor of the objection.

Examination resumed—I recollect the day that Mr. Brasbie read his recantation; he became a convert—

Mr. Pigott objected, and

The Judge said he did not see that it was evidence.

Examination resumed—I know that a printed document was circulated by Mr. Gayer, having reference to a threatening notice which was served on him.

Mr. Pigott again objected to the reception of such evidence.

Judge Jackson—I believe that threatening notice is not referred to in any of the publications contained in the declaration.

Mr. Keller.—But, my Lord, it was referred to in one of the papers which were read in order to shew the *animus*.

Mr. Pigott—There is no action brought for any publication in which the note is referred to.

Judge Jackson—I do not think we are at liberty to go into this question.

Mr. Freeman—I think this class of evidence ought to be received; and the learned gentleman argued at some length to this effect.

Judge Jackson—I am not aware of any paper which was referred to, in order to show the *animus*, that contained anything about the threatening notice.

Mr. Keller—Oh! yes, my Lord, the paper of the 31st of January, 1845, which was read in order to prove the *animus*, contained an article having reference to the notice. Mr. Keller then read the article, which was headed "Fearful state of things in Dingle."

The point was argued by the counsel at both sides at considerable length, after which

Mr. Keller said he withdrew the question.

Witness, cross-examined by Mr. Pigott, Q.C.—Do you know what is meant by the name souper?—(laughter)—I understand it to mean one who conforms to the Protestant Church from the Roman Catholic. Have you anything to do with the soup?—No. Are you connected with the Irish Society?—I am. How long?—Ten years. How long is it since you were appointed curate of Ventry?—Six years last August. But you were ordained before that time?—Yes. May I ask where were you officiating before you came to Dingle?—In the County Cavan. In the Diocese of Meath?—Yes. In what year did you come to Kerry?—In August '38. And when did you commence collecting contributions?—In '39. Were any contributions collected before you came there?—I cannot say. Did you go out of Kerry for contributions?—Never; but I often went out of Kerry to attend meetings, and represent the Irish Society. Did you go out of Ireland for that purpose?—I did. You went to England I suppose?—Yes. Scotland?—No. And various parts of Ireland?—Certainly. What parts of England did you go to?—Oh, several—London, Derby, Lincoln, Liverpool, Bedford, Bath; in fact I cannot remember all of them. But, now, you say you were in Lincoln?—Yes. May I ask where did you attend in London?—Exeter-hall, of course?—(laughter)—No; I do not figure there, I generally go to the Hanover-square Rooms. What places did you attend in Ireland?—Limerick, Belfast, Cork, Dublin, and many other towns. And you made speeches at all those places?—I did. And very good ones, I suppose? To be sure, in my own opinion—(laughter). Long speeches?—Sometimes. And warm ones? Yes, they were delivered with honesty at all events. Who keeps the accounts of the contributions for Kerry?—Mr. Gayer keeps the account of the contributions to the Dingle colony, and they are printed. How are the funds of the Irish Society spent?—Some portions of the funds are expended in paying Irish teachers and Scripture readers. Can you form an estimate of the amount of money expended in those districts within the last seven years?—I cannot say. Can you form a belief?—I really cannot. Was there more than £1,000 expended?—I should say there was. Several thousands?—Indeed I think so, including the buildings, the salaries of teachers, and relieving poor converts in the time of distress and persecution. How much of the money was expended in temporal relief?—I cannot tell. How much is annually received for the purpose of temporal relief?—In the year '44 I received £28 for the temporal relief of the poor converts in my parish. You said there were twenty-five families of converts in the parish of Dunquin, and thirty-eight in Ventry?—Yes. What was the name of the man who purchased the leather?—Riordan. What was the name of the man who could not get the leather to buy?—Corkery. Where did the persons live?—Riordan lived at Ventry, and Corkery at Dingle. In what condition was Riordan when he came under your charge?—He was in a good condition, a farmer possessing the grass of two cows.—How did he get the lands?—He purchased the interest of the out-going tenant. So he was a farmer and a shoemaker?—Yes, he was a country shoemaker, but had no regular shop. When did he buy the leather?—About three months ago; he sold his interest in his farm, and for the money he bought the leather; it was about three months ago that Corkery wanted the leather. And why didn't he buy Riordan's leather?—Because Riordan had not made up his mind, at that time, to sell the leather, but wanted to sell it by making shoes. Corkery still lives in the town of Dingle, and is still under Mr. Gayer's charge. But couldn't Corkery get leather to buy in Tralee?—I suppose he could, but it was too expensive to travel so far for it. Can you positively state why Corkery could not get leather in Dingle?—I am sure it was because he was a convert; I know he had money to buy it. Who purchased Riordan's farm?—I did; I bought it for my brother; Riordan was offered the same sum for it by several Romanists; he gave me the preference; I gave him £16, 10s. for it, after which he went to Cork and bought leather, expecting to get customers for it, but he failed, and was obliged to become a

Roman Catholic, and I am told he has now full work. Do you know a man of the name of Thomas Horgan?—I do; his father was expelled from my congregation for entertaining corrupt motives and expecting money. Did you ever give any money to any of the converts?—Never, except for work done. Did you ever give Thomas Horgan any money?—Before he went back to the Roman Catholic Church, he told me that he was processed for money, and asked me to become security for him, which I promised to do if he would pay me in work or money; he said he would do so, and I have his I O U for the sum I lent him. All the converts, who owed money to Roman Catholics, were processed by them at that very time. Did any of those persons hold any employment under the Irish Society?—Yes, the son was employed, as, what we call, a mechanical teacher; the Irish Society employs both Roman Catholics and Protestants as Irish teachers; ten houses were built at Ventry, out of what are called the Dingle Colony funds, with a view to afford shelter to poor converts who could procure no employment. Are there many of those converts natives of those parishes?—Most of them are so, together with some people from the neighbouring parishes. I believe the late Mr. Thompson was very active in promoting this system?—He was not active in promoting the system you mean; but he was active in promoting the happiness of the poor, and he was a man of honor and a gentleman; he purchased potatoes, turf, and milk for the poor converts to prevent them from being starved. Do you know a man of the name of Sheridan?—I do know a man of that name; he was in my employment as a teacher of Greek and Latin; he offered himself to me if I would buy him, but he was disappointed; several other persons offered themselves to me on the same terms, and I always felt it to be my duty to admonish them, and caution them against such motives; three men did so last week, whom I sent away with a caution. Was Mr. Thompson a trustee for the money of the Ventry buildings?—Yes. Were you acquainted with Mr. Brasbie before he became a Protestant?—I was not, but he was in my house for three months afterwards; I heard him say that Mr. Gayer acted very kindly to him, and that every one processed him when he went to church; I believe he is now in Dublin; I was not at home during the entire of the time he spent at my house; I saw his letters, which were three in number; they were circulated through the United Kingdom (here the letters of Mr. Brasbie were handed to the witness, who identified them); I received a few copies of these letters from Dublin, and I believe it was from the Secretary to the Priests' Protection Society; I saw some of them with Mr. Gayer; I think there were more of them circulated elsewhere than in Dingle. Did you ever see any of those letters before they were circulated?—I never did, except one of them. Did you give any assistance to the writer of these letters?—Never. Did you take any part in paying the persons employed in the erection of those buildings you have mentioned?—No; I never paid them except when they worked for myself; I paid them 8d. a-day, and in the reaping season 10d. a-day. Is there not a great deal of excitement in that district this time back?—Yes, indeed. Is it diminishing or increasing?—It is certainly not diminished, and it must be desperate if it increases. Did you publish some letters lately?—I published one letter in the *Kerry Post*. Did you ever publish a letter without your name?—I did once. The letter you published in the *Kerry Post* was, I believe, two columns in length?—Yes. (The letter was here handed to the witness, who identified it.) I was at a meeting in Limerick in December last. Did you address that meeting?—I did. Did you say that 800 persons changed in Dingle?—I did not. Were you in Belfast with Mr. Gayer?—No. How many teachers have you?—I have three Scripture-readers and fifteen Irish teachers; Mr. Gayer has two Scripture-readers at Dingle, one at Dunurlin, and one at Kilmachader; three families have left my charge since the last three or four months, and went back to the Romish church.



within the last two years, four or five families have conformed; if my Scripture-reader sees any persons anxious to inquire and to be instructed he brings them to me, but sometimes I never see converts until I see them in church; several of the converts do not know how to read or write. How many of the thirty-eight families were able to read and write when they became converts?—The great majority were not able to read and write, nor could the majority even speak English; those who could not speak English were taught by me and by the Scripture-readers to speak it; several adults were unable to speak English; when I say adults, I mean over fifteen years of age; most of the fathers and mothers were unable either to read or write, or speak English; the majority of the converts were in poor circumstances, but not in very great poverty; that is not a rich part of the country; some of them were labourers, some tradesmen, and some farmers. When you say farmers, how much land had they?—Some of them had seven acres of land, others had less, and others more; the majority of my present congregation are persons who have embraced the reformed faith, and who were formerly Roman Catholics. But you said that the change of opinion was not confined to one class of persons, and I ask you, are not all these of the poorer class?—I said the majority, but not all; I am sure you do not consider a grand juror to be of the lower class. Who is the grand juror?—Robert Conway Hickson, Esq., and his brother, conformed to the Protestant church. Does Mr. Hickson live in Dingle?—No; but it is his native place; he lives now in Dublin. But who are the persons besides the lower class who have conformed and who are now residing in Dingle?—Oh! many persons—you may take myself as one of them, together with my father, brother, and sister. Who else?—Mr. Hamilton, who is now in Trinity College, preparing for the ministry, embraced the reformed faith in Dingle, and also Mr. Foley, who is now in the ministry. Have many shopkeepers become converts?—Not many; several persons have come to me saying, that they would wish to be instructed in the Protestant faith, but that they could not become converts without some means of employment, as they would lose all their business if they did so; I told them that we were sorry we could not give them employment and protection, and I gave them such advice as I thought a Christian minister should give; those persons came to me of their own accord, without being in communication with the Scripture-reader; they were the heads of families who came to me in that manner; I am constantly applied to by persons, with expectations of work, but we do not accept them in consequence of suspecting their motives; there are buildings now going on in Dingle for religious purposes; in the buildings erected heretofore we did not leave converts unemployed, but if we acted on an exclusive principle, we could dispense with the services of several Roman Catholics; because we now have got a sufficient number of converts in the district; among the thirty-eight families more than half are adults.

Re-examined by Mr. Keller.—When you spoke of Mr. Thompson's kindness, did you mean to convey that he shewed converts more favour than Roman Catholics? Certainly not; Mr. Thompson's object was the protection of all classes; he exacted rent from converts in the same manner that he did from Roman Catholics, and I even thought him severe on converts at times; he was not connected with the Irish Society; the Scripture-readers in my immediate charge are paid by the Irish Society. Do you know any other of the higher class of life who have conformed in or near Dingle? Yes; Mr. Hussey, of Farranlakilla, a gentleman of wealth and property.

Judge Jackson—Is that the barrister, Mr. Moriarty?

Witness—Yes, my lord; Peter Bodkin Hussey.

The Rev. ED. L. SANDIFORD, sworn and examined by Mr. Leahy—I am curate of the parish of Dunurlin, and I discharge the clerical duties of the parish of Kilmacheader for Mr. Gayer, who is rector of that parish; there are

seven families of converts in Dunurlin, and fifteen in Kilmacheader; in both parishes there are converts to the amount of eighty-two individuals, they attend the church and school-house; some persons came to me and asked for support as converts, but I refused them in consequence of entertaining such motives. I know of cases of persecution in those parishes; besides what I have heard from many of the converts. I am aware that several persons who conformed were refused to be sold potatoes, milk, and turf by the country people; there was plenty of those articles for sale, and would be given to Roman Catholics, but would not be sold to converts, though they offered ready money; in consequence of that system I was obliged to purchase potatoes and turf for the converts, and they paid me in labour.

Cross-examined by Sir Colman O'Loughlen—I think I am about two years and a half officiating in those parishes; a great deal of public works was performed there before I came; not very many have become converts since I came there; some persons who came to me asked what would they get if they went to church; I told them that such was not the motive which should induce them to become Protestants; I think the word *souper* is meant to apply to converts from the Roman Catholic to the Protestant Church; I know no other reason for it: I have not been very active in making converts, but I have endeavoured to procure peace; I never collected subscriptions; I know that houses have been built at Dingle for the converts, but cannot say whether they pay rent for them or not; I received the money out of which I bought the turf and potatoes from Mr. Gayer; I gave an account of the manner in which every farthing was disposed of; none of that money was given for nothing, but was paid to labourers; the Scripture-readers get about £26 a-year; there are seven families of converts in Dunurlin and fifteen in Kilmacheader, exclusive of those who have gone back to the Church of Rome; the reason those persons went back is because I would not pay them for going to church; one man who would not pay rent came to me and asked me what did Mr. Gayer intend to give him; I told him that Mr. Gayer would give him nothing, but would demand the rent from him; "very well," said he, "I'll go back to Popery" (laughter); I told him to do so if he liked; "well then," said he, "mind I'm giving Mr. Gayer rope enough to hang himself" (great laughter); I do not know whether the man became a Roman Catholic afterwards or not; there has been a great deal of excitement in that district in consequence of those conversions, but 'twould not disturb the harmony of the place if the converts were not molested; Mr. Gayer has a farm in the parish of Dunurlin; some of the converts reside in houses attached to that farm; I have the management of that farm since the first of January last; I do not know what the rent is; no rent has been fixed since I began to manage the farm, but I told the converts that they should pay rent.

Re-examined by Mr. Leahy—It is the custom of that part of the country to give time for payment to persons buying turf and potatoes; but the converts could not get any; I am not acquainted particularly with Mr. Gayer's farm in Kilmacheader.

To a Juror—The work that the converts did on the farm was fencing and ditching. I have part of the farm in my own possession.

Court—How did you repay Mr. Gayer for the money he gave you?

Witness—I gave him a return of the work done on his farm.

A Juror—Was there any work done on your own farm? Yes, there were general improvements.

Sir Colman O'Loughlen—And you paid the converts with Mr. Gayer's money for work done on your farm?

Court—And did you repay Mr. Gayer the value of that work? No; I am to pay rent when the time comes round.

The REV. THOMAS GOODMAN, sworn and examined—I am vicar of the

parish of Dunquin, which is seven miles from Dingle; I am also perpetual curate of Dingle since the year 1824; I know that there are eighty-two families of converts in Dingle, comprising 364 or 365; I do not know that there were any converts in Dingle previous to my coming; there were formerly 319 old Protestants in Dingle; I remember years of storm, great scarcity, and distress; a great number of Roman Catholics sustained injury, which was caused by the failure of crops and other calamities; I know that Mr. Gayer, during these years, gave a great deal of relief, in charity, to persons of all classes indiscriminately; the boats of some poor fishermen were destroyed by the storm; one person told me that Mr. Gayer repaired his boat for him and built up his house; the person who told me so was a Roman Catholic, and is so still; I know of several acts of benevolence on Mr. Gayer's part, and I know that he discharged the duties of christian charity, irrespective of the religious persuasion of any one.

Cross-examined by Mr. Gallwey—The parishes were rather quiet when I came there; the excitement began to prevail lately; it was not at its greatest height until about three months since; it was then that exclusive dealing commenced; there was a great deal of excitement at the time that Mr. Brasbie came out; I cannot tell the exact date when the conversions commenced; about ten or eleven years ago, a man came to me to be married, and said the priest refused to marry him; I married him and he went to church in a short time; he was one of the first converts after Mr. Gayer's coming to the parish.

Mr. Gallwey—Do you know the meaning of the word "*souper*"? I cannot say positively, but I think it is applied to a person who eats meat or soup on a Friday, (laughter,) that is the idea generally through the country; the general wages paid to labourers in that part of the country is 8d. a-day without food, and 6d. with food; when there is a bad year and frost and snow there is a great run for work; the population of that part of the country is very great; I cannot say that many persons are anxious for work except in the towns; the majority of the converts are rather poor; I cannot say how much money is annually expended in the district; I got £5 which I handed over to Mr. Moriarty; I know nothing whatever about the Irish Society; the duties of the Scripture-readers is to go from house to house, and instruct every person willing to receive instruction; I do not think there is an organized system of conversion in the district; I do not know who is the most active person in making converts; Lord Ventry is not considered so, nor was the late Mr. Thompson; he (Mr. Thompson) got the name of being opposed to conversion for a time; Mr. Gayer is the paymaster of the Scripture-readers, and I believe they are paid out of the Scripture-reader Fund; I do not know who are the contributors to that fund; the Irish Society pay two or three Scripture-readers; there are two Scripture-readers in Dingle, one at Ventry, and another at Dunurlin; I cannot tell how many entirely; there are places in Dingle known as the residence of the converts; the place peculiar to the converts is called a colony; it is called so because the converts are colonized there; the houses are not increased according to the number of converts; I think all the converts are not natives of Dingle, as there are a few from other places; I often heard the converts complain of great want, and I often gave them a shilling or sixpence; I generally do so to every poor person into whose house I go, but I go oftener into the houses of converts than Roman Catholics; I was born near Dingle, but I would not know the faces of all the converts; I have heard of Mr. Brasbie, and I have been frequently in company with him; I cannot say whether he is a good scholar or not as I have never examined him (laughter). I might be a judge if I examined him; I do not know would I puzzle him (laughter). I think he knows as much as myself; it is a long time since I graduated.

Mr. Gallwey—Did you read Mr. Brasbie's letters? I did. And what do you think of them?

Witness (humorously scratching his head and pausing)—why really I don't know (great laughter.) Do you think were they Ciceronic? I don't know. Were they not insulting to the feelings of every Roman Catholic?

Mr. Freeman objected to the question; it was not a legal one.

Court—I don't see that such questions have anything to do with the case; whether those letters were Ciceronic or not is no question for the Court to decide; but indeed I must say that, with the exception of this question, Mr. Gallwey's examination has been most proper.

Mr. Freeman—Oh, certainly, my lord, the rest of his examination was quite legal.

Cross-examination resumed—I received copies of Mr. Brasbie's letters; I think a boy gave them to me in Dingle; I believe he was one of the Ventry convert boys; I do not recollect that Mr. Gayer ever spoke to me about them; he might have spoken casually, but he never went into the particulars of them; I did not see any of them in Mr. Gayer's possession; I think it was Mr. Brasbie himself that sent the letters; at the time that Mr. Brasbie was at Mr. Moriarty's house there were many of the letters circulated. (Here two of Mr. Brasbie's letters were handed to the witness and identified.) There were eighty-two families converted in Dingle during the last eleven years; I do not include children baptised by us in the number of converts, as they cannot be considered as such; I think Mr. Gayer never told me that several families relapsed, I heard that *one* family relapsed; I suppose the reason of that is because they were not sincere.

J. GLOSTER, sworn and examined by Mr. Keller, Q.C.—Lives at Dunquin; is a Scripture-reader; knows the Blasquet Islands; goes there sometimes; is a convert; was a Roman Catholic formerly; it is six or seven years since he became a Protestant; is a married man, and his family reside at Dunquin; his father or mother are not alive; his brothers and sisters don't live with him; there are twenty-five convert families at Dunquin and the Blasquet Islands; all those families were Roman Catholics formerly; believes those families to be Protestants from their conversation; is in the habit of reading the Scriptures to them; Mr. Moriarty employed him; it is five years since Mr. Moriarty first employed him; witness's wife, and a cousin of his and his family are all converts, also another relation of his; they (his relations) were fishermen and masons, they have very little employment now; they had more employment formerly (that is before they became converts) than now; the man that was a fisherman became a carman; witness had suffered himself.

Mr. Pigott—My Lord can you consider this as evidence? Have the alleged sufferings of this man anything to do with the case? I object to it, and I submit it is illegal,

Mr. Freeman—An allegation has been made by the defendant that we were impostors and liars, and we have no other means of repelling the charge but by evidence such as this. We are only proving what we alleged in the pleading.

Mr. Pigott—It is unknown to what length this investigation will proceed if evidence of this kind is admitted. I cannot see what individual suffering has to do with this action.

Court—I cannot shut it out.

Examination resumed—When I became a convert, the thatch of my house was taken off, and my windows were broken; those who were my dearest friends became my bitterest enemies, and not one of them would speak to me. One of my cousins who was once my dearest friend, before I left the Church of Rome, and who knew me from the time of my infancy, is now as great an enemy to me as any of them. He passes me almost every day, and yet he never speaks a word to me except he'd call out "*soup*" or some other nickname after

me; stones were often flung at me and clods; when I was a Roman Catholic, I kept a school, and my wife was a mantuamaker; but I lost the favour of my friends; my family have often stones thrown at them and are called names too; one time I met a party of them, when going home, on the road; they tried to push me into the glen, but I folded my arms and forced my way through them; I was one night coming from Dingle, and a cousin of mine, a convert also, was with me; he went into the house of a cousin of his, who I thought was a friend of mine, and they beat us; his servant boys also beat us; I have cousins that are Roman Catholics; they don't speak to me; James Kennedy is the man who would not speak to me.

Cross-examined by Mr. Pigott—Has £24 a-year; is getting that for the last two years: was getting £20 a-year for about twelve months before that; was getting £12 a-year at one time but nothing less; was teaching school at Dunquin, before he became a convert, under the direction of the priest.

Mr. Pigott—Why did you leave that school?

Witness—The reason was that the school broke up at the end of the season.

Mr. Pigott—Well, and you never returned to it? No, Sir, I did not; I left this school about November, and I became a convert after Christmas; while I was teaching the Coast Guard children I got a knowledge of the Word of God; I was for some time in doubt whether the Protestant Bible was true; I was reading the Bible belonging to the Coast Guard for some time, but when they went away they took the Bible with them; I was then for some time without any Bible until the Rev. Mr. Gubbins sent some Douay Testaments to Ballydavid for sale; I asked Mr. Casey, the priest, and he gave me leave to buy one; I compared it with the Protestant Bible, and found very little difference between them.

Mr. Pigott—Did any one assist you to construe the Scriptures?

Witness—I trust the Lord did, Sir.

Mr. Pigott—Oh, yes, that of course, but did any one else?

Witness—No, indeed, Sir; I had no falling out with Mr. Casey; I did not tell him I was going to become a convert; I never had the difference of a word with Mr. Casey; it was the Word of God that led me to seek for myself from that out; I did not get the assistance of any human being; it was two years before I left the priest's school that I got the Bible; the entire profits of my school amounted to about £14 a-year, and I had £8 a-year from the Coast Guard; I ceased to attend the Coast Guard's children three or four years before I left the priest; there was a decline in the school for a short time previous to my leaving it; there is always a decline at that period of the year; a man named M'Loughlin succeeded me; I heard no complaint of me as a school-master at that school; I remained in my own house for about twelve months before I became a convert; I believe the decline I have spoken of was partly in consequence of the opening of a National School at a place they call Bualiteens; my wife became a convert about a-year ago; I am in no employment but as a reader, except that I keep small accounts of the works at Dunquin; there are some men employed quarrying stones at Dunquin; the stones are for houses to be built at Dunquin; the houses will be given to converts if needful; Mr. Moriarty or his agent pays them; these men get 4s. a-week; those men are all converts, no one else is employed in those works at present; some of them are converts seven, and six, and five years, in fact, different periods of time; one of those men is but lately become a convert; he is a labourer and has a family; I don't think he had any employment at the time he became a convert; that man can't write or speak English: he heard the Word of God from Scripture-readers coming that way; that man's name is Keane; he became a Protestant about a month ago; I think 'twas on account of the reading of Connor and Long (two Scripture-readers) that Keane was converted; I think my own reading influenced Keane too; Connor is since

dead; my salary was raised on Connor's death; Daniel Sullivan was also a Scripture-reader in that parish; Sullivan also read for Keane; Keane told me that his conversion was sincere; I believed him; I can't pry into a man's heart, but I do think none but a sincere person would conform, when persecution was to the mast head (laughter); is convinced it was the Word of God convinced Keane; about six or seven weeks ago I began to keep an account of these works at Dunquin; the men were idle previous to their being employed on these works: there is no reader in Dunquin but myself; there are two in Dingle, one in Kilmácheader, two in Ventry; there is no reader in the Blasquet Islands, but there is a teacher there; the names of those readers are Thomas O'Connor, Michael Lynch, John Lasey, and Maurice O'Brien; I do not know what salary they get; I am not in the habit of finding out converts for Mr. Moriarty; I did not bring Michael Keane to Mr. Moriarty; I do not do anything else but read the Word of God for those who are willing to hear it, and no other exertions but that are made; I can't say my reading was instrumental in making many converts; I can't tell what number I converted, but I think two persons were influenced by my reading; that is, Matthew Hare and Catherine Gloster, and also my cousins; many persons came to me, saying they would wish to become converts; I told them that unless they were influenced by the Word of God, they might stay where they were; that happened within the last six years; I have read for many that afterwards became converts; I do not know whether it was my reading or not caused them to conform; I cannot say how many in the last six years have become converts; three or four families at least have done so; there might be much more, but I cannot say positively how many; I sometimes go to Dingle and Ventry; I do not know that any stranger families in Dunquin are converts; there are eighteen families of converts in Dunquin; every one of those families speak Irish; there are four or five families, the fathers of whom speak English; when the father of a family becomes a convert, the rest of the family do not always become Protestants also, but they generally do; sometimes the wives remain Roman Catholics; I do not estimate those numbers who are not converts in the eighty-one individuals who are converts; knows Mr. Brasbie; I saw his letters and showed them to some people; I think it was Mr. Moriarty shewed them to me; Mr. Moriarty told him to leave them at the school house and shew them to the scholars; I also saw them in the public papers; I was often called nicknames; I never called names in return; I never called them idolaters: I heard a man once call them idolaters; that was about four or five years ago; never since; I can swear positively that I never called "idolaters"; there are four or five persons who were near having pushed me into the glen; I was alone at that time; they did not strike me but they shoved me.

A Juror—You spoke of some time you were beaten, when your cousin and yourself went into a house, and why did you go into the house?

Witness—My cousin went in, Sir, to light his pipe, and I went in to call him out; they called us names and beat us.

Court adjourned at this stage of the proceedings to the following day.

#### FRIDAY.

DAN. SULLIVAN sworn, and examined by Mr. Bennett—I am a Scripture-reader, living at Ventry, and I am a Protestant for the last eight years, having been a Roman Catholic before; there are thirty-eight families of converts in the Parish of Ventry; I am living for about twenty-seven years in the neighbourhood; my business is to go about from house to house reading the Bible; I know Mr. Gayer; he is the rector of Ventry; the converts attend the school and church; I know converts to have died Protestants; when dying their friends and relatives had free access to them; I have attended the funeral of some of them; I remember an occurrence which took place at the funeral of a convert about two years ago.

Mr. Gallwey objected to this line of examination.

After some argument, the Court ruled against the objection.

Examination resumed—This convert, when he died, was waked by his Roman Catholic friends; some of them were very quiet and civil at the wake, but when morning was coming on, some of them said that Mr. Moriarty or Mr. Gayer should not be allowed to read over him; I said it was the duty of the clergymen to read over him.

Mr. Gallwey again objected to this conversation being received in evidence.

Mr. Freeman—My Lord, the conversation which the witness is about to relate, will go to shew the motives which induced the act.

The learned Judge ruled in favour of the objection.

Examination resumed—In consequence of expressions used by the people, it was found necessary to send for constables to Dingle, in order to protect the clergymen who were to read the burial service; the constables came with Mr. Hickson, the magistrate; when the coffin was taken across the strand, the crowd began to hoot and pelt at the converts, and said that the Protestant clergymen should not read over him; the converts were pelted with stones and called names, and stones were thrown at Mr. Gillman, the sub-inspector of the constabulary; I received a blow of a stone myself; there were hundreds of persons throwing stones; when they came to the burying ground, the crowd collected around the grave of the deceased man's family, and would not allow the body to be interred there, until a Protestant man gave consent to allow it to be buried in his own burying place; this was in the grave-yard of Ventry; I know that several of the converts have suffered persecution; I myself could not get hay, potatoes, or turf to buy, if I travelled over the whole parishes, and although I offered money several times I was refused; the people said "they were afraid of the priest to buy from or sell to a *souper*," and that he would not allow them to do so: I was present when several converts were refused to be sold potatoes, turf, and milk, although they offered instant payment in ready money; I know that persons often applied to be admitted as Protestants, in the Dingle district, and were refused in consequence of expecting some help to live upon; no one would be received but such as came from conviction; I never knew any person who was offered money in order to induce him to become a convert; I know a man who was a shoemaker, and who sold out his farm, and purchased leather, expecting to get customers, but he was obliged to give up, as he got no business in consequence of being a convert; I know other persons who were obliged to relapse in consequence of heavy persecution; I know that two families were expelled from being members of the Church of England and Ireland in consequence of their expecting money; this was at Ventry.

Cross-examined by Sir Colman O'Loughlen—I have a salary of £30 a-year as Scripture-reader; I was an Irish teacher before I became a Scripture-reader; I was then paid according to the number of my pupils; I got one shilling a quarter for every reader, and sixpence for every speller; I sometimes had thirty scholars, and some times less; I was an Irish teacher before I became a convert; I was paid by the Irish Society; I used to make a return to the Irish Society of the number of scholars; the inspector of the Society, who came three times a year, also made a return on every visit after examining the scholars; before I was connected with the Irish Society I was a farmer, and had about eleven acres of land from Lord Ventry; I have a part of that farm still, and I pay a rent proportionate to what I paid when I had the whole; the last time I paid rent was last September; Lord Ventry put the former tenants out of that farm; he served them with notice, and they went out of their own accord, except one man; they were provided for in another place; that farm is called Clahane, and is now in the hands of a committee of gentlemen; I till a part of it, and other converts till some of it also; the committee is composed

of the Rev. Mr. Gayer, Rev. Mr. Denny, Rev. Mr. Rowan, and Mr. Thompson was a member of it, but he is dead; the names of the Roman Catholics who gave up the land, as I have mentioned, were John Bowler, Maurice M'Donnell, Patrick Sullivan, myself, and another; I visit and read the Bible to converts and to Roman Catholics, when they would listen to me, but the priest prevents them from doing so; I read both in English and Irish to the converts; I read nothing but the pure word of God; I reason with the Roman Catholics whenever they attend to me, and I explain the Bible as the Lord directs me; I teach the convert children their prayers in a language which they understand; I teach and read the Bible both in the houses of the converts and in the school; there is another Scripture-reader in Ventry of the name of Thomas Connors; he has a salary of £18 a-year; my salary is not increased according to the number of years I have served; in the thirty-eight families of converts that are in Ventry, there are one hundred and eighty-four individuals; of those I cannot say how many are adults; some of the wives of the converts are Roman Catholics, and I do not include them in the one hundred and eighty-four; the converts are farmers, labourers, and fishermen; the farmers hold six or seven acres of land, and some of them have more; in the 184 converts, I cannot say how many are under fifteen years of age; I cannot tell how many are infants; there are eighteen houses built at Ventry which are inhabited by converts; I know that they were told to pay rent for them; I live in one of them, and I pay rent; the eighteen houses are not in a cluster, but are in different parts of the same farm; I have seen the converts pay rent for them; I cannot tell how many houses there are in Clahane farm; there may be forty acres in it; the thirty-eight families of converts are not generally employed by Mr. Gayer, in the erection of all the buildings; Roman Catholics were employed as well as converts; the labourers got 8d. a day; the Roman Catholics got as high wages as converts; the buildings were churches, school-houses, clergymen's residences, and cottages for poor converts who were persecuted.

Sir Colman O'Loughlen—Do you know a place called Ventry Cottage?—Ventry Cottage, Sir! no, I don't think I know any such place. Do you know a man named John Cavanagh?

Witness—Oh! I know it now, Sir, but I never heard it called by that name—(laughter).

Sir Colman O'Loughlen—Doesn't John Cavanagh live at Ventry Cottage? He does, Sir. I believe he is a classical teacher?—He is, Sir. Did you ever see him writing?—I often saw him writing a letter. Did you ever see him writing to the Editor of the *Kerry Post*?—I never did. I believe Cavanagh is paid £30 a year; I think he is in Tralee now on business of his own. I wrote a letter myself to the newspaper about two years ago; it was myself wrote it; I shewed it to no one but to a son of mine before it was published; I did not shew it to Mr. Moriarty; I cannot say whether my son shewed it to Mr. Moriarty; I wrote that letter because I was belied by a convert, who said I offered him a bribe; the man at whose funeral those outrages were committed was named Denis Dunlevy; he was a convert, and died in the Protestant faith; he was a fisherman; I knew a shoemaker, named John Biordan; he bought leather, but would get no employment because he was a convert; I knew a man named Corkery, who was a convert, and who wanted to buy leather, but could not get it; I know that the families of James Horgan and Darby Sullivan were expelled from the Protestant congregation because they asked money; there is a good deal of excitement in that part of the country; I was called names very often; I never heard Roman Catholics called names by the converts; I never heard them called "idolaters;" I never called them so; I heard Connor sometimes say they were worshipping idols, but I cannot say whether any Roman Catholics were present when he said so; the converts



might say any persons who worshipped a wafer as their God were guilty of idolatry; I often heard the converts mention the term "cursing curate;" that term was made use of when Roman Catholics were abusing Mr. Gayer and Mr. Moriarty, and when they used to call Mr. Moriarty "Lying Tom;" the converts would say then "he is a good man, and he preaches the truth whatever the 'cursing curate' may do"—(laughter); I have heard Roman Catholic priests called "Maynooth Bachelors," but not in their presence, or in that of any of their congregation.

Mr. Bennett—If they called them "Maynooth married men" it would be something—(laughter).

Examination resumed—No one took down my examination before I came here, or no one examined me; it was Mr. Brasbie himself that gave his letters to me at Mr. Moriarty's place; he gave me some of them at Mr. Gayer's house, but Mr. Gayer never gave me any of them; neither Mr. Moriarty nor Mr. Gayer was present when Mr. Brasbie gave me the letters; I gave them to the converts by Mr. Brasbie's directions.

Re-examined by Mr. Bennett—You said that Cavanagh came to town on other business; now will you tell the Court what is that business?

Sir Colman O'Loughlen objected to the question, and Mr. Bennett said he would not press it.

Witness to Mr. Bennett—My wife is a Roman Catholic, and she lives in the house which I have; I did not intend to convey that Lord Ventry turned out persons because they were Roman Catholics.

Mr. Bennett—Do you know to whom the term "cursing curate" was meant to apply?—It was applied to the Rev. Mr. Scollard on account of his habit of cursing the converts from the altar, and cursing every one of his flock who would sell or buy from them.

To Sir Colman O'Loughlen—I was not present when Mr. Scollard cursed them; I heard Mr. Moriarty called "Lying Tom" a thousand times.

MICHAEL LYNCH sworn, and examined by Mr. Freeman—Lives in Dingle; is a Scripture-reader; was a Roman Catholic 16 years; there are 89 families of converts in Dingle, in all 360 individuals; there was a great deal less when witness first came than now; has been present at the death-beds of many converts; they died Protestants; I saw converts refused potatoes, milk, turf, and fish, though they had money in their hands; saw Roman Catholics purchase it at the same time; knows that that is the same way now in Dingle; came to Dingle about six months ago; left Dingle once to go to the Isle of Arran as missionary agent for the Island Society; remained in Arran two and a-half years; came back to Dingle; his mother is a Protestant but was a Roman Catholic; there is a great difficulty in procuring often the necessaries of life; was often pelted with dirt and clods; on one occasion the priest's boy spit in my face; that happened on the high road; there was no other person present; on one occasion a mob collected outside the gate of the colony, and wanted to turn us out; knows the man who collected the mob; heard it was a man named Crane that did so.

Mr. Pigott objected to the evidence.

Examination resumed—Crane made a speech opposite the gate of the colony; it is more than six years since witness came first to Dingle; the time the mob collected was since Mr. Gayer came back to Dingle from Scotland; does not know in whose employment Crane was at that time.

Cross-examined by Mr. Gallwey—Was born in Kilmallock; his mother was a native of Kilmallock; she had some property there; his brother was a brewer and shoemaker there; his father was a magistrate's clerk, and teacher of a public school; became a convert in Kilmallock; the Word of God induced him to do so; the Bible was in the house since witness was a child; it was a Protestant Bible that was there; to the best of his belief, witness's mother was

Never a sincere Roman Catholic; had read the Bible through when he was very young; his father was a Roman Catholic; cannot say when his mother became a Protestant; cannot tell what were her motives; cannot say who gave her the Protestant Bible; doesn't think the Bible was hers originally; his brother is a Protestant; was not always one; about seventeen or eighteen changed at that time in Kilmallock; did not get employment for his brother; who was obliged to leave Kilmallock in consequence of it; witness is about thirty-four years of age; was first employed by the Baptist Society; that society is not in connection with the Church of England; they employ Roman Catholics and Protestants in the teachings of their schools; was employed as a Scripture-reader for the Baptists of Limerick at £24 a-year; does not know how long he taught there; he was then removed to a place called Borrisokane; was removed by the agent of the Baptist Society; received less salary there than at Limerick; had a house rent free at Borrisokane; estimates his salary at Borrisokane at £26 a-year; was removed from that to Limerick, because the subscribers wanted a teacher; left Limerick a second time, and went to teach a school at a place called Welshpark, on the borders of the King's County; had about £26 a-year at Welshpark—was afterwards removed to Kilbarron. From Kilbarron witness came to Dingle, to see his mother; was in the employment of the Baptists eight years; left the Baptists in consequence of ill health; the reason his mother came to Dingle was, that her husband was employed by Mr. Gubbins; 'twas Mr. Gayer employed witness first as Clerk and Scripture-reader; was removed by the Rev. Mr. Foley to the Island Society, and got a situation under them; had been two-and-a-half years in Arran; during that time has been employed as a schoolmaster; was obliged to come back from the Island of Arran through ill health; his wife was a schoolmistress; it is Mr. Gayer that is to pay him; can't say how much until the end of the year; perhaps £30, but that is according to the state of the funds; has to read the Scriptures to the converts.

Mr. Gallwey—Do you expound the Scriptures to them?

Witness—I do sometimes explain what I read. I visit the houses of those who are willing; and I open the Word of God and read it to them. Then if I think it necessary I explain.

Mr. Gallwey—I suppose you think it is an easy task to expound the Scriptures?

Witness—I do not consider it very easy, but there are parts of it quite plain.

Mr. Gallwey—May I ask, Sir, where did you receive your education?

Witness—I was taught at Kilmallock.

Mr. Gallwey—Did you learn theology there?

Witness—No, Sir, I learned no theology but what I learned from the Scriptures.

Mr. Gallwey—Well, and with that much theology you conceive yourself able to expound the Scriptures?

Witness—I do not expound them, but I make some observations.—I have two young children; I know the system of Bible reading at Dingle; I do not know the gradations of rank relative to the Bible-readers.

Mr. Gallwey—Are you paid according to the number of those to whom you bring home the Word of God?

Witness—Not that I know of; there is a schoolmaster also employed by Mr. Gayer, who uses the Scriptures as a school-book; I know instances in which schoolmasters were promoted to be Scripture-readers; I have a house rent free; it was Mr. Gayer gave me that house; it is one of those houses that were made for converts; I know that Roman Catholics are employed by Mr. Gayer; I do not know that any converts are unemployed now, but I did know it; I recollect that one of the converts was dismissed from the work, on account of

the misconduct of his children; I heard it only by report; I heard it was for his children stealing a cock and hen; Mr. Gayer took him back again, but believes it was through mere compassion on his starving condition; it was not because the children would not go to church and school; I saw the children go to church and school while the father was out of employment; I do not know whether the father made any atonement afterwards; I was present when I heard converts refused hay, turf, and potatoes; I cannot say exactly how long ago that was; it was on the road between the quay and the colony; in that colony there are about fifteen houses; I cannot be certain now, but I think that it is the number; I live at the gateway getting into the colony; there is also another colony, called the John-street colony; there is land attached to that, but I do not know how much; I saw converts digging potatoes; I believe there are about thirty-seven houses in both colonies; in each house there is a family, in some of them two families; I cannot say whether the converts can get houses the moment they become Protestants; I have heard Lord Ventry is the landlord of those colonies; I do not know whether any converts are ejected for non-payment of rent; I have made no converts during the last six months; I was too busily employed among the converts; I saw Mr. Brasbie's letters; I never saw them at Mr. Moriarty's house; I never heard nicknames called to Roman Catholics in their own presence; I never heard any one call a Roman Catholic an idolater to their face; I might have heard the converts say among themselves that they (Roman Catholics) were guilty of idolatry; I attend public meetings in Dublin; I heard speeches there; I do not remember to have called Roman Catholics idolaters; I might have said it among converts; I never wished to insult Roman Catholics; I never wrote a letter to the *Kerry Post*; it is about five years ago since the priest's boy spit in my face; I am as tall as him myself, but he is stronger and stouter (a laugh); there has been great excitement this time past in and about Dingle.

To a Juror—There is no gate to the colony, but a gateway; it was on the road from the quay to the market that I saw the potatoes refused; there was a measure in the car; it is the custom of the country to carry measures on the cars to market; I have bought potatoes myself that way on the road; I have done so frequently within the last six months; I had no altercation with the priest's boy, but he called me "*Prasaugh*," and spit in my face.

To Mr. Leahy—Though I have called him a boy, yet he was a full-grown man.

To Mr. Gallwey—On one occasion, I have bought potatoes at the market for the converts, and when the owner found out it was for the colony they were bought, he wanted to take them away, though he had come inside the gateway of the colony; a crowd gathered, and there was a great deal of excitement; after some remonstrances, however, he consented to leave them. I have often sent my wife and servant to the market, and they have returned empty. This witness then retired.

The Rev. WM. M'ILWAINE, sworn and examined by Mr. Keller—I am a clergyman of the Established Church of England and Ireland; I reside in Belfast; I am acquainted with Mr. Gayer; Mr. Gayer came to Belfast in the month of November last; I think it was about the 10th or 11th of that month; while he has in Belfast he stopped at my house; he came there for the purpose of holding a meeting to collect funds for the Dingle Mission; he became ill in my house; the meeting was advertised for the Monday after his arrival, which, I believe, was on the 12th day of the month; previous to that day Mr. Gayer was taken seriously ill, and was attended by two physicians; he was not very well when he arrived in Belfast; he was expressly forbidden by his physicians to leave his bed, so that he was unable to attend the meeting on Monday; the meeting was held, and I attended and took Mr. Gayer's place; he

went afterwards to Scotland; I have never before been in Kerry; I was in Dingle since my arrival, and I have seen some of the schools in that district, and have examined the children during school hours on last Sunday; there was a very large attendance, and they appeared to be very well instructed and well attended to; I taught a class of adults, containing about 40 persons, and they appeared to be peculiarly well instructed; I did not teach the children, but I saw them taught, and heard their answers; both children and adults appear to be very well instructed in the Bible; there were over 200 persons in the school on the occasion of my visit; on the following day I visited Kilmachheader school, in which there are about forty children; I went through the districts of Ventry and Dingle; I came from Belfast on account of this trial.

Cross-examined by Mr. Pigott—How did you examine the children?—I asked them questions, and heard them read. How long were you in the Dingle school?—Upwards of an hour. And how long in the other?—I cannot exactly say; it was for a short time. You heard them read?—Yes. What did they read?—Portions of Scripture. Did you speak to them on the subject which they read?—I spoke to them of the chapter. How did you speak to them?—I spoke to them as to the contents of the chapter. What did you say to them?—I said nothing but what arose out of the chapter. I suppose you inquired as to their knowledge of the religion they professed?—I did. Now, did you speak of these tenets in opposition to the tenets of any other religion?—I spoke of what arose out of the chapter. But did the chapter comprise any of those tenets?—It certainly did. What chapter was it?—A chapter of Scripture. Upon what subject?—On various subjects. But the children appeared to be very well instructed?—Yes, indeed. Were they what we would call at school “crack boys”?—I don’t understand. You know, you and I have been at school; don’t you understand me when I ask you were they “crack boys”?—I cannot say they were, but they appeared to be very well instructed. Now don’t you think they put the best leg foremost when you came there?—I should say they did not. You attended the meeting at Belfast, and took Mr. Gayer’s place?—I did. Did you address the meeting?—I did. I told them everything that Mr. Gayer told me about the “Dingle Mission.” Did you exhibit any things at that meeting?—Yes, I did. Did you do so in a very dramatical manner?—No. Now, may I ask what did you exhibit?—I exhibited to the meeting some articles that had previously belonged to the Church of Rome. What articles were those?—They were several—I exhibited something they call a scapular, and the badge of the order of St. Francis, which is rather like a ladies’ reticule, and about that size and shape; there was some rude embroidery on it, representing the Saviour, with Mary and Joseph on the one side, and the same inverted on the other. Well, did you exhibit any thing else?—Yes; rude crucifixes and some beads, with a priest’s stole, which Mr. Gayer told me belonged to the Rev. Mr. Brasbie. Do you know were those articles ever exhibited before?—I cannot say. Did you tell the meeting that they were exhibited in Chester, in the year ’38?—I did not. Did you read any composition to the meeting?—I read a letter of Mr. Brasbie’s. Of course there was great applause when you exhibited those articles?—Indeed, I would not say so, the general feeling appeared to be regret. You say the meeting appeared to entertain a feeling of regret?—I cannot exactly say what were the feelings of others, but I was grieved myself, and the whole meeting appeared to be grieved at seeing that their countrymen used such things. But were you not glad to have those articles to exhibit?—I was sorry they had been used, and I was glad they had been given up. Oh! I see; but are not articles of dress used in many sects?—the surplice, for instance, has given rise to some discussion. I know they are. Do you frequently attend public meetings?—Very frequently. For various purposes?—Yes. Now, may I ask for what purposes you attend public meetings?—Sometimes for religious

purposes, sometimes benevolent purposes, and sometimes for civic purposes. Now will you exclude political purposes?—Certainly not. Did you attend any meeting in Belfast on the day after the meeting you have spoken of?—I did; I attended a meeting of the Protestant Operative Association. Was that a political body?—It is not strictly political, but it partakes of that character. Did you make a speech at that meeting?—I did. Now was that speech religious, a benevolent, or a political speech?—It partook of a little of all. But there was a good deal of politics in it?—Yes. Now, was not the subject of the speech politics?—It was not. Wasn't the discussion all one way?—Certainly not. Well what did you speak of?—I alluded to the passing events of the day, and to the state of the country. But there were many other strong political opinions?—Not very much so; I trust I shall never forget that I am a minister of religion. But, don't you consider your speech to have been a good one?—I do not wish to characterise my own speech. But don't you think it was a speech expressing strong political opinions?—I can't say; if you take my opinion, I don't think it was. Was that meeting a numerous one?—Indeed it was. And was attended by many of the lower orders?—Yes, and several others. Of course there was great applause?—I believe there was. Enthusiastic plaudits?—Yes. And I suppose your speech was applauded too?—Yes. And with great enthusiasm?—Perhaps so. Did you go to Scotland?—No. Did you see Mr. Gayer after his return from Scotland?—Not that I recollect, until I saw him in Dingle. Did Mr. Gayer explain to you the uses of all those articles you exhibited? He told me what they were. Did he tell you there were 800 converts in Dingle? He told me there were 800 converts in the district, and I stated it so at the meeting. Did you see a report of your speech in the *Belfast Commercial Chronicle*? I think I did. Did you read anything else but Mr. Brasbie's letter? I read passages from some books explaining the use of some of the articles which I exhibited; I entered into the details of the Dingle mission. Did you produce any inflammatory poetical composition which was sung through the Dingle district as a reproach to the converts? I did. Was Mr. Brasbie's letter warmly received? It was. Were you ever at a public meeting with Mr. Gayer before that meeting?—Never.

Re-examined by Mr. Keller—Mr. Gayer never told me that there were 800 converts in the town of Dingle. Did he tell you that a Roman Catholic priest with 800 Roman Catholics walked over one fine morning to the Protestant Church in the town of Dingle? He never did. Did you understand from him that it was in Dingle *district* the 800 converts were? I did. What did you understand was meant by the district of Dingle? I understood it to comprise the parishes of Dingle, Ventry, Dunquin, Dunurlin, and the Blasquet Islands. [Here the witness was handed a map in which he pointed out those parishes.] Mr. Gayer showed me a map similar to that before. I read to the meeting in Belfast a book called the "Devotions of Joseph," also one called the "Devotions of Mary," and another called, I believe, the "Glories of Joseph;" there was also a treatise in praise of the scapular; those were books belonging to the Roman Catholic church; I read the inflammatory poetical composition at the meeting; it was published in a Belfast paper. [Here the ballad was handed to witness.]

Mr. Keller—Read it now to the court and jury—(laughter.)

Mr. Pigott—Now read it in the same tone, and in the same dramatic manner—(laughter.)

The witness then read the following composition :—

#### BRASBIE'S REFORMATION.

You Romans of this nation, of every rank and station,  
Attend to my dictation, while here I do relate;

My heart is agitated—my heart is enervated—  
 Since Brasbie has reformed from the holy Roman faith,  
 He now forsook, in earnest, the holy Lamb of patience,  
 That suffered for his creatures all in his bloody gore ;  
 He embraced the reformation of Luther's curs'd dictation,  
 To dwell in Pluto's regions now and evermore.

That minister distracted, that really has deserted  
 The holy church and gospel which Christ himself ordained ;  
 Selected as a pastor to that pure and holy altar,  
 Where Jesus Christ, a victim, for ever will remain ;  
 A member of that table where Christ himself was seated,  
 Ten years without cessation, there Brasbie did remain ;  
 When he was truly feasted his flesh and blood he tasted,  
 But now he's a member of Gayer's foul cursed train.

Cruel Brasbie, worse than Judas, our Saviour he abused,  
 The sacrament and altar he really has disgraced ;  
 Since Gayer is his director, he has neglected  
 That pure and holy order to which he was ordained.  
 Them spotless robes so white, wherein he should delight,  
 He treated them with slight the cruel renegade,  
 For no such rotten member should ever be depended on,  
 Nor in a pew or pulpit e'er be allowed to preach.

Thanks to our dear Saviour ! with what humiliation  
 You allowed that cruel traitor your blood again to flow ;  
 He has renounced your graces, that filled the Bible's pages,  
 Us, low and humble creatures, your holy will to know.  
 For a small remuneration, his Lord he has forsaken,  
 He'll find he is mistaken, as Judas was before,  
 When sunk in consternation in the abyss of d——n,  
 Both him and cursed Gayer, in sad horror to deplore.

Then with what resignation he read that recantation,  
 And said transubstantiation was nothing but a scheme ;  
 His baptism he degraded—the laws of God violated—  
 And wilfully rejected the blessed Virgin's name,  
 I think it no great wonder, that flaming, fire, and thunder,  
 Should rend the skies asunder, with anger and with rage,  
 To see those depredators embrace the reformation,  
 Which was but instigated now in a latter age.

The holy Church and Gospel, which Christ himself adopted,  
 And sent his dear disciples the same to celebrate ;  
 They suffered persecution, insult, and destitution—  
 All this they bore with patience for their Redeemer's sake.  
 Nine hundred years most pleasing, and that without sensation,  
 Was the continuation of the true Roman creed,  
 Until the Greeks revolted from the service of our altar,  
 Which was the instigation of barbarous wicked deeds.

D. HICKSON, Esq. M.D. sworn and examined by Mr. Leahy—Is a physician ; resides at Dingle ; Dingle is his native place ; is one of the medical attendants of the dispensary there ; knows Mr. Gayer's family ; was always a man Catholic, and is still so ; there is another medical gentleman in Dingle ; is a Protestant ; witness is Mr. Gayer's medical attendant ; thinks there is a woman Catholic domestic in Mr. Gayer's house ; witness is not personally aware of any acts of kindness done by Mr. Gayer ; heard of them ; recollects acts of scarcity ; can't swear whether Mr. Gayer showed any acts of kindness there ; has attended converts in Dingle as a medical attendant ; heard that Mr. Gayer got the boats of some distressed fishermen repaired ; there is the dispensary doctor in Dingle.

mind; there was some quarrying done at Ventry; we do not consider the parish of Dunquin as a part of our trust. I know a person of the name of Gloster, but I am not particularly acquainted with him; the Dingle fund is distinct from the Ventry fund; I think the Ventry church must have cost about 7 or £800; I can't say what the parsonage house at Ventry cost, but I think such a house could not be built in Tralee, for less than £700; more than a thousand pounds must have been expended at Ventry on all the works; I never handled a £10 note of the money; the late Mr. Thompson was the treasurer of the Ventry funds.

Mr. Pigott—Who is the treasurer now?—Oh! I believe no one is regularly appointed.

Mr. Pigott—But, now, suppose I want to send in a subscription, to whom will I give it?

Witness—I'll take it from you if you give it to me—(laughter). Mr. Moriarty, Mr. Gayer, or Mr. Goodman will take it; they are all in Court.

Mr. Pigott—If you got a verdict for £1,000, now, do you think it would do any harm to your treasury?—I am sure not; I think we would do good with it.

Mr. Keller then handed in the newspapers of the 22d and 26th of November, and also the other papers.

Mr. Pigott objected to the reception of any documents but those containing the alleged libels.

Court—Mr. Pigott, I will receive them subject to your objection.

The case for the plaintiff here closed.

Mr. PIGOTT then rose and addressed the Jury to the following effect:—My Lord and Gentlemen of the Jury, after the mass of evidence given to you in this case, I confess that I feel utterly at a loss in what manner I am to deal with that evidence. It has occurred to me two or three times, in the course of this trial, to ask myself a question which possibly may have suggested itself to some of you—If some one who was a perfect stranger to this country—some person unacquainted with our laws and the course of proceedings in our law Courts, happened accidentally to be an auditor of those proceedings, I would ask, what would he naturally have assumed to be the subject matter of this investigation? Would he consider you were inquiring into the question whether or not a malicious and defamatory libel was published against Mr. Gayer, or would he not rather believe that the question under discussion here might have been and ought to have been at a public meeting, where all descriptions of persons of various religions were assembled—namely, the merits of the system adopted in the Dingle district in reference to converts to the Protestant faith? Now, gentlemen of the jury, I have to tell you, what I am satisfied his Lordship will also tell you in the course of his observations, that the merits or demerits of that system constitute not only no material question for your consideration, but are absolutely to be excluded from your consideration as unassociated with the matter of the issue you have to try. The immense mass of evidence laid before you is wholly and entirely opposed to the real question at issue, except a very small portion. Many matters have been advanced in evidence which have no connection with the allegation, that the gentleman whose case is entrusted to me to-day was actuated, in the publications he made, by motives of express and actual malice towards Mr. Gayer. It is only in that point of view, that any portion of the immense mass of evidence could be connected with the subject matter of your inquiry, and the only observations I shall make on that evidence is, to call on you most respectfully to give your attention to the proposition I have now expressed—that it is only with a view to fasten on Mr. Byrne express and actual malice against an individual, that any portion of that evidence can be legitimately examinable before you, Gentlemen of the jury, the existence

Witness—No, Sir, except they'd tell myself, I'd be going astray (laughter); some of them "*soupers*" that do it, Sir.

Mr. Gallwey—What did they say to you?

Witness—Sir (laughter). I'm sometimes hard of hearing, Sir (great laughter).

Court—Is that the case always when you don't like to hear?

Witness—Oh! no, your Lordship (laughter).

Mr. Gallwey—Does Mr. Gayer employ the other smith at all?

Witness—He does, Sir, to shoe horses.

Mr. Gallwey—Is he a Roman Catholic, also?

Witness—He is, Sir.

Mr. Gallwey—Very well, you may go down.

The witness then descended, making a low bow to the Court, the Bar, and the Jury.

Mr. Bennett—You forgot to bow to the ladies (great laughter).

The witness, conscious of the heinous violation of *etiquette* which he had committed, re-ascended the table, and bowed towards the gallery (with a scrape of the toe which would have done honour to the first professor of Terpsichorean art,) and then retired amidst shouts of laughter, in which the bench and the fair objects of his politeness heartily joined.

The REV. ANTH. DENNY sworn and examined by Mr. Keller, Q.C.—I am a clergyman of the Protestant church; I reside in Tralee; I am one of the trustees of the funds of the Ventry buildings; I have collected some of the money; a church, school-house, and clergyman's residence have been built in that parish; the funds were applied to the purpose for which they were collected; I have visited those buildings, and they afford convenient accommodation to the people of that district, to the best of my judgment; I have observed the conduct of the converts, and have made inquiries with respect to their moral character; they appear to be a very well conducted, proper, and orderly class of persons, and I consider them as such as far as my observation goes; I was present when a man was removed from the Protestant congregation at Ventry, in consequence of making charges on Mr. Moriarty for not giving him money; I have examined all the schools in the district, and I consider them very well conducted; I have examined the children and they appear to be very well instructed on moral and religious subjects. [Here the witness was handed the *Kerry Examiner* of the 22d of November, 1844.] I see an article headed "Infamous perversion of facts, as well as of persons in Dingle;" I can swear that when I read this article, I understood the terms "hypocritical dealers in cant," "pharasaical traffickers," "wolves in sheep's clothing," "schemers," &c. to apply to the Rev. Messrs. Gayer and Moriarty. The witness read the article at full length, as also that of the 26th of November.

Mr. Pigott—My Lord, there is no use in proving all those innuendoes; we admit that they allude to the Rev. Mr. Gayer.

Witness cross-examined by Mr. Pigott, Q.C.—Mr. Gayer, Mr. Goodman, and Mr. Rowan are trustees with me for the Ventry funds; I have nothing to do with the Dingle colony; I have seen the colony at Dingle; one part of it is in John-street, and another near the quay; there is no land attached to the lower colony, but there is a small quantity of land attached to the John-street colony, for which the converts pay rent; I do not know how many houses are in the Dingle colonies; we owe money for the Ventry buildings.

Mr. Pigott—And ye expect that ye will get money to pay for it?

Witness—We do expect to get subscriptions; we would be very glad to get subscriptions from you (laughter).

Mr. Pigott—Don't you think the *eclat* of this action would stimulate many to subscribe?

Witness—Perhaps so; at all events it will clear up the question in the public



transactions, such as those that occurred in the Dingle district? G  
my learned friend, Mr. Bennett, in opening this statement state  
and fairly the subject of the issue which you are here to decid  
have to determine, first, whether the publication is a libel; whether,  
circumstances to which I shall presently call your attention, due atone  
offered, or whether Mr. Byrne in these publications deliberately and dete  
meant to injure the plaintiff. It will be a necessary matter for you to  
whether there was anything in these transactions at Dingle which cou  
Mr. Byrne in criticising those proceedings, and expressing his opinion u  
upon the manner in which they were converted, upon the evidences  
hibited, and upon the consequences to which they necessarily led. An  
men of the jury, what has been exhibited to you as the subject to wh  
publications have been directed—what the controversies that exist  
called for them? For a considerable period, extending over ten or ele  
there has been in Dingle, and the district in which it is situated,  
adopted for the purpose of procuring converts from the Roman Cathol  
to the Protestant community. By what means has that been conducte  
or is it not, a fair subject of public inquiry and newspaper commenta  
population of that district appears to have been most numerous; most  
circumstances of extreme indigence, among whom there appears to be  
ness of employment, and an extensive demand for it. Funds to a  
amount, collected in various places, were expended in the district, and i  
singularly enough that no person was produced here on the part of the  
who is able to tell you the amount expended in the Dingle district, nor  
anything suggested from which you could ascertain accurately the a  
of the funds. But, gentlemen of the jury, it *does* appear that the pe  
conformed to the Protestant faith were of the very lowest condition of  
in circumstances of extreme indigence—wholly uneducated, and mos  
ignorant of the language in which I am now addressing you, and h  
ceived previous to their alteration not the least instruction. Gentlemen  
jury, the next circumstance that attracts the attention is this—those al  
had been made suddenly; some persons, as Mr. Moriarty told you,  
him without any previous knowledge of him. Two of the Bible-  
Gloster and Sullivan, have told you that those persons with whom th  
municated on the subject of becoming converts had no communicati  
Mr. Moriarty, and that without previous instruction, or anything but a  
cation to the reader or clergyman, those parties conformed to the faith  
new doctrine, and become *converts* under the ministration of Messrs.  
and Gayer. Gentlemen of the jury, here you have a number of perso  
lowest condition of life—ignorant and uninstructed, adopting sud  
alteration in the most important of all human concerns, and in such  
ask you with some confidence, whether or not transactions such as  
legitimate subjects of commentary in the public press? If they be, to w  
pose is the mass of evidence laid before you? or can it be that Mr. B

listen the old foundations before you have fully established new ones ; may think that tempting to the propagation of a new faith is temptingocrisy ; some, again, may think that it is not quite consistent with the of the great founder of christianity to hold out temporal advantages as ation for religious conformity, and procure changes in the previous reli-sentiment by such temptations as these. Some of you maybe of one n and some of another, but I think all must concur that a public journalist led to take his stand on one side as well as on the other, and to bring attention to bear on subjects of such deep and thrilling importance, and so with propriety. Now, gentlemen of the jury, Mr. Byrne, in November, brought the subject of these conversions before the public, and it appears he first publication complained of, his attention was directed to it by ing which appeared in a newspaper that was transmitted to him from t, and that was the first information he had of Mr. Gayer having quitted . It would appear that Mr. Gayer had communicated to a public meeting lfast, through the instrumentality of Mr. M'Ilwaine, that in the Dingle t there had been effected the conversion of 800 individuals from the n Catholic to the Protestant Church. Now a very minute and important versy has arisen on this trial in respect to this allegation. It is said that Mr. Gayer spoke of those 800 converts he never intended to convey this, i the mere town of Dingle, and all at one time, 800 persons had gone om the Catholic Church to Protestantism, that in the entire *district*, which ises an extensive promontory, taking its name from Dingle, as the post 800 persons had conformed to the Protestant faith. Mr. Byrne was n- startled at that announcement ; he found it published in a newspaper in orth of Ireland, which reported the proceedings of a great public meeting here. Now, gentlemen of the jury, no person could misunderstand was meant by the Dingle district, and Mr. Byrne did not misunder-it ; nor, I will submit to you, can there be the slightest doubt what was intended in the publication upon which I am now com-ig. An allegation of a like character was put forward in Limerick, ubssequently in Edinburgh, that eight hundred persons had in Dingle, iced the Catholic faith and become Protestants. Was it a ma-t, a malicious, and defamatory libel for Mr. Byrne to say that that ot true ? If he believed it not to be true, I ask you was he not bound to h that opinion ? Can you conceive that in Kerry, where the facts were so nown, if that allegation was in direct contradiction with the truth, a liberal d could have existed for one day, if its conductor had not fastened upon . misrepresentation, and set the public right upon the point ? Now, gentle-what is alleged for the Plaintiff is this, that in the *course of* 11 years 800 s, or more, had become converts from the Roman Catholic to the Protes- Church. But that is not what Mr. Byrne had to deal with—that was not egation made at the meeting in England ; it was not the allegation made fast by Mr. Gayer. But let us see what were the contents of the ation with which Mr. Byrne had to deal. It was—" That a meeting was l to assemble, and hear from the Rev. Mr. Gayer, the singular facts ted with the Conversion of 800 Catholics, *together with* the Rev. Mr. e, a Roman Catholic Priest." And now, gentlemen of the jury, I ask you o you understand that ? Suppose these conversions continued in Dingle eriod of twenty or thirty years, and that during that long period 800 or persons had altered their religious faith, would you, in reading that general ncement, think of looking back over a period of twenty, or thirty, or forty Would you have *inferred* from it that this change had been the result ven years?—Why the supposition is absurd. The evidence is that they .fluctuating body, that came and went at will—sometimes satisfied with

the way they were treated and sometimes dissatisfied ; on which they went on to the old paths. Perfectly immaterial is it what motive led them, whether they were induced by conversion, or influenced by temporal considerations, to abandon the faith of their fathers, and take up one of a new adoption. Nobody could have formed an idea that this publication intended to convey an impression that it was spread over a period of eleven years. Much has been said about the expressions that appeared in the newspaper, but no evidence was given of the subsequent publication in which it was said that one fine morning a Roman Catholic Clergyman and 800 of his flock went over to the Protestant faith. That paragraph is not a subject of complaint on the present occasion—they have not brought their action for that ; but I have referred to this subsequent paragraph to establish that, Mr. Byrne did not intend to malign and defame Mr. Gayer, but to show that in a former paragraph he intended and assumed, what in a subsequent one, he said ; he understood it not to imply that they converted within one day or one month, but that it was represented that in some period this extraordinary change had taken place as related by Mr. Gayer. Plainly and clearly that is what he supposed—what *I* would suppose, what *I* think *you*, or any other intelligent persons would suppose, Mr. Gayer to have intended to convey. But, gentlemen, that is the meaning Mr. Byrne attached to and with that view he conceived it was essential he should deal with it. In connexion with the duties he had assumed, he conceived it to be his duty to exhibit to the world that it was a misrepresentation. Observe the question not whether Mr. Gayer had said those conversions had taken place within the recent period—whether he did not say this was the work of eleven years ; whether what Mr. Byrne said and read at a time of great public excitement conveyed the idea that those changes had taken place within a short time in the town and immediate neighbourhood of Dingle. The place where they did occur, if it be correctly described, was a tongue of land jutting into the ocean, five miles long and eight miles broad, with only one point of connection with the main land, and comprising the parishes of Dunquin, Dunurlin, Ventry, and Kilmachader. I appeal to you with some confidence, was not Mr. Byrne justified in taking that view of it ? In that state of things—in that condition of the controversy—matters were found at the time this publication was made wherein a general denial was inserted of such an assumed assertion. I am not observing upon this system which was said to be in full operation in the Dingle district, as Mr. Byrne understood it, but which is now asserted not to have been so expressed. I am not imputing to Mr. Gayer, or the gentlemen who were with him any intentional misrepresentation ; but I say it would appear, and so understood, as that they had said those 800 were converted in this period. If he said they were converted within a period of eleven years, that would be plain and intelligible ; but when he said, by proxy at a public meeting in Belfast, that there were this number of converts, there was nothing to explain it. Mr. M'Ilwaine did not say whether it was within one month or eleven months, or eleven years, nor could you have understood from that speech that any of those people were so converted in the year 1833. When was Mr. Brasbie's conversion ? In July, 1844. The allegation put forward at the Belfast meeting was that eight hundred persons with a Roman Catholic Clergyman, the Rev. Mr. Brasbie, had gone over to the Protestant Church. Would the inference be in the mind of any rational man, but that both conversions would be cotemporaneous ? See again, the meeting was held on the 18th November ; the publication was on the 22nd. Mr. Byrne, on reading that the two facts coupled together, and knowing that Mr. Brasbie's change had taken place in the July preceding—and that it was notorious in Kerry, it was sun at noon-day, how was he to consider the statement in the Belfast paper ? Now, gentlemen, I have to call your attention to a particular circumstance

ction with the comments I have made, which would appear to me to dis-  
 sh this case from any I have yet met with. Mr. Byrne published two  
 s, written in exceedingly warm language, I admit; he used expressions,  
 were considered by Mr. Gayer offensive and derogatory to him; he used  
 sions, gentlemen of the jury, which I am instructed neither to reiterate or to  
 l. He used expressions which when his attention was called to them, he read  
 eep and poignant regret; and the commentary he made was the result of the  
 sion which that publication in the Belfast paper produced in his mind.  
 nceived that there was a very serious misrepresentation made in Belfast  
 ngland.—It is not for me to say whether Mr. Gayer intended to convey  
 han was really consistent with the fact; but if you are satisfied that Mr.  
 was mistaken, and was induced to adopt those views which, plainly, the  
 of the paragraph in the Belfast paper meant to convey, how then can you  
 him for controverting what was acknowledged to be not consistent with  
 tual state of facts? Undoubtedly, those who bring before the public  
 s of great importance are bound to weigh the expressions they employ in  
 unicating those facts. If Mr. Gayer so expressed himself, and that the  
 vere so misrepresented as to lead Mr. Byrne to form the opinion I have  
 , I say as a necessary consequence, that he was justified in controverting  
 statements, and using strictures and criticism in that commentary. Gen-  
 of the jury, the publications of the 22nd and 26th of November are those  
 ained of by Mr. Gayer; and now let me ask you, was that complaint  
 ? Was Mr. Byrne's attention called to them? Was he apprised by Mr.  
 that he had published a defamatory libel of him? Was he called upon  
 act all or any portion of it? Was an opportunity given him before the  
 was brought? None, whatever. Gentlemen, you all know the hurry of  
 per publications, and the haste with which an editor is obliged to deal  
 ie subjects of the day, as they present themselves to him. You can well  
 ve the difficulties under which he must labour, writing frequently against  
 and without having an opportunity of re-perusing his productions before  
 ppear in print; therefore it was but just, that under such circumstances  
 opportunity should be given the defendant of making an atonement in the  
 of apology, if he had misconceived the subject on which he wrote, and  
 y injured or gave offence to Mr. Gayer. And by the late act of Parlia-  
 the publisher is enabled to do this. He may make a defence by  
 shing that the article was written without "actual malice," was inserted  
 t "gross negligence" and that an apology was made for it at the "earliest  
 unity," thereby making atonement for any injuries he might have done.  
 present question, neglect is totally out of the case, because the publication  
 t made through neglect but misapprehension, and such misapprehension  
 man reading the article the alleged libel was founded on, must have  
 arily fallen into. But he *apologised* for it; and it will be for you,  
 men, to say, whether, taking all the circumstances into consideration, the  
 nent, the misapprehension, the hurry and everything else, that apology  
 t sufficient and such as ought to have satisfied Mr. Gayer. Let me here  
 ur attention to some dates which you will find important. The publica-  
 complained of were on the 22d and 26th of November, and the writ was  
 on the 7th of January. The writ which was the commencement of the  
 gave not the slightest indication of what was the subject matter of the  
 int. No notice was given to Mr. Byrne of the matter of Mr. Gayer's  
 —no letter written by Mr. Gayer or any body on his behalf. The decla-  
 which contained the cause of complaint, was filed in the Court of  
 quer on the 21st of January. It was a very long document, and it was a  
 erable time before a copy could be obtained from the proper officer; it  
 ed over 91 office sheets, or what is technically called six skins of parch-

ment: the copy was obtained on the 27th of January, and on the 28th it was received by the defendant in Tralee. It was full of what we call in law the "innuendoes," and in that state the defendant, when he received it, was not likely to have read it with much instruction, and the article which appeared in his paper that day was written manifestly before he had read one line of the declaration. He appears to have lost no time in publishing it in his newspaper, for it was on the next publication printed in it. It certainly was not a course which if his attorney was near him to advise him he would have adopted, but he gave it to his printer, saying "I am not conscious that I am guilty of anything imputed in this—let us have it printed in the paper," and so it was, and I verily believe he did not take time to read it until he saw it in print in his own journal. Well, on reading it, and considering its allegations, he resolved upon publishing an apology, and when was it published? Upon the 31st of January he became aware, as I told you, of the nature of the accusation against him, and on the 4th of February he published in his own paper a document I shall now read to you:—

THE REV. CHARLES GAYER V. THE KERRY EXAMINER.

In consequence of an action, which, as our readers are aware, the Rev. Charles Gayer, has brought against us, our attention has been partly directed to two articles, published in this Journal, during the month of November last, relative to that Rev. Gentleman. On a careful perusal of these articles, we feel bound to state that they contain language which, in moments of cool reflection, we certainly should not have penned, and for which, we hasten to express our regret, but then, in justice to ourselves, we think it right to state that those articles were written under strong feelings of excitement, in reference to certain proceedings reported, in the *Belfast Chronicle*, to have taken place in that city, and which, in the discharge of our Editorial functions, we felt it our duty to animadvert upon. We then asserted, and still persevere in asserting, that the statements attributed to the Rev. Mr. Gayer on that occasion, as regards the number of those in this country, who have swerved from the Catholic Religion, were much exaggerated. In making this assertion, we have had no desire to be personally offensive to the Rev. Mr. Gayer, for, personally, we could not entertain the slightest feelings of animosity to the Rev. Gentleman. It was simply with his statements that we found fault; and when the mind feels warmly on the subject, it is very difficult to avoid applying to the persons, the strong terms, that properly speaking only belong to, and were intended for, the subject treated of. It is known to many, that we never read an article of ours, until we read it in print. It is written against time, and, therefore, we are deprived of an opportunity of amending what may be considered faulty, or of softening down what may appear harsh or intemperate. We fling off our thoughts under the warm influence of the moment; and it is then not to be wondered at, if sometimes, we wound where we never intend it. This is inseparable from our position; and were people only to reflect on it, prosecutions of the press would be less frequent than they unhappily are. Mr. Gayer made a statement to which we felt it our duty to give the most unqualified contradiction; feeling that by that statement a stranger, would be led to think, that a priest, with a number of persons, amounting to 800, withdrew, in a body simultaneously, from the communion of the Catholic church in the parishes of Dingle and Ventry. We also firmly denied that the number of converts in that quarter amounted to anything like 800, as on the published authority of Lieutenant Clifford, of the Coast Guards, one of the most active of the proselytism party, it appeared that the number of converts was 250. That our assertion is correct, we appeal with confidence, to every one in this county at all acquainted with Dingle and its vicinity, or who read the statement put forward by Mr. Gayer in an advertisement in an Edinburgh Newspaper; until our attention was called by the perusal of Mr. Gayer's declaration, to the articles complained of, we never dreamt we had used any language on the occasion, that would be considered as personally offensive, and had Mr. Gayer, in the first instance, written to us, directing our attention to the matter he complained of as personal, we should, without hesitation, have publicly apologised, or have given such an explanation as would at once have satisfied him, that our intentions were not to wound his feelings, but simply, by legitimate argument, to disprove his assertions. We have felt it our duty, in justice to ourselves and Mr. Gayer, to give the explanation, and should it not be deemed satisfactory, we are ready to insert any other consistent with truth, which he or his counsel, will require, feeling confident that we will not be required to insert anything inconsistent with the independence of this Journal, or the honour of its proprietor.

Now, gentlemen of the jury, give me leave to ask you how much of the publications of the 22d and 26th of November, remained after that—How much was unatoned for—unapologised for, after that publication. Just this much—that Mr Gayer was wrong in saying that 800 persons were converted in Dingle. Vain and idle is it to special plead upon the term 'Dingle District.' There was

to difficulty, no misunderstanding about it. Mr. Byrne understood that Dingle was meant, and he offers to join issue upon the question of fact whether there were or were not 800 converts in Dingle. But even take it in its sense—take the entire district—and yet it is not true that 800 persons went over with Mr. Brasbie. Take it in any view you please, and nothing remains to found an action, save the legal character of those publications of the 22d and 26th of November. An apology and atonement were made, and that, as I contend, at the earliest opportunity. Why, gentlemen, bear in mind, this is a paper of a limited circulation. Who, let me ask, reads it beyond the precincts of the County Kerry? and referring to the publications I am about to bring under your notice, let me ask how many will have read the full atonement they contain, who never read the original publication, which are said to have been libels on the character of the Rev. Mr. Gayer? On the 15th of February two documents were transmitted from the gentleman acting for Mr. Gayer to the gentleman acting for Mr. Byrne, in which it was intimated that the publications of the 4th of February was not deemed satisfactory, and a form of apology was sent on the part of the plaintiff. On that day, Mr. Byrne was called upon to publish a certain form of apology to which I shall just call your attention. He did not adopt it, but he did publish a certain apology, which appeared in the *Freeman's Journal*, *Dublin Evening Post*, and *Dublin Evening Mail*. He was not bound by the statute to publish the apology in any but his *own* paper and, nevertheless, he did as I have stated with respect to that apology. All that he deemed offensive was withdrawn, and not a single particle of offensive matter was communicated to the public. But Mr. Byrne did not want to special plead with his antagonist; disapproving, upon reflection, of what he wrote, he determined upon making the most ample atonement by publishing his apology in the newspapers Mr. Gayer had selected. I shall just read for you the correspondence that passed on the subject:—

16, Bachelor's Walk, 15th Feb. 1845.

GENTLEMEN—I herewith beg to send you the KERRY EXAMINER newspaper containing the articles set forth in the defendant's plea, this day filed and referred to in my notice to you of this day, and I request that you will inform me at your earliest convenience whether Mr. Gayer will accept this apology and not proceed further in this action, or whether he wishes to have any other apology inserted. Of course, if Mr. Gayer insists upon it, the defendant must pay the costs incurred up to the present time, but, under the circumstances stated, I take for granted he will not require any money payment to be made to himself or to his attorneys.

I am, Gentlemen, your obedient servant,

To Messrs. Battersby and Carroll.

THADEE W. MURPHY.

The Rev. C. GAYER, Plaintiff;  
P. R. BYRNE, Defendant.

SIR—In reply to your letter of the 15th February, inst. and the offer contained in the plea filed by Defendant in this cause, we hereby inform you that the alleged apology stated in Defendant's said plea, has not been deemed satisfactory, and we herewith send you a form of an apology which contains a retraction of the libellous matter published by the Defendant of and concerning the plaintiff, and mentioned in the Declaration in this cause. In case the Defendant shall think fit to make this apology for the injuries which he has done the Plaintiff, we request you will return to us a copy of such apology, signed by the Defendant, and upon such being furnished to us and also published by the Defendant in his newspaper, and also in the *Dublin Evening Mail*, *Dublin Evening Post*, and *Freeman's Journal*, within one week from the date hereof, we shall then be ready on the part of the Plaintiff to sign a consent that all further proceedings in this action shall cease, upon the terms of the Defendant's paying to the Plaintiff or to us, as his Attorney, the costs incurred by the Plaintiff in this action, as between attorney and client, when duly taxed and ascertained. And inasmuch as it is not our wish to incur any further Costs, until it should be absolutely necessary so to do, we shall not file any pleadings on behalf of Plaintiff in answer to the Defendant's pleas until Thursday next, the 20th inst. before which day we request you will state to us in writing whether or not it is the intention of the Defendant to sign and publish such apology—Dated this 16th day of February, 1845.

BATTERSBY AND CARROLL,

Plaintiff's Attorney, 5, Lower Merriem-st.

To Thadee William Murphy, Esq., Defendant's Attorney, 16, Bachelor's Walk.

GAYER v. BYRNE.

16, Bachelor's Walk, 20th February, 1845.

SIR—I regret that the terms of the proposed apology transmitted with your notice of the 15th instant, are not such as it is possible for Mr. Byrne to sign.

I do trust, that on reflection Mr. Gayer and his advisers will consider, that the terms now required are more than can be necessary for the vindication of his character, or for atonement to his feelings.

Mr. Byrne, I can undertake to say, is willing to publish, in his own paper and in the Journals mentioned in the proposed document, (in addition to the paragraph in his paper of the 4th of February,) any further apology and any further withdrawal of the offensive imputations contained in the paragraph complained of which Mr. Gayer or his friends may require. But I trust this may be done satisfactorily to Mr. Gayer without his requiring, in the form of the document to be published, terms which, while they are unnecessary to Mr. Gayer, must be most injurious, if not ruinous to Mr. Byrne.

What I now beg to propose is, that you will favor us with an opportunity of conferring with you, or that we may arrange for a conference between some two persons, (whether the counsel engaged for both parties or any other persons), with a view to the framing of such an apology as shall meet the purposes desired.

I don't propose this, with any view of binding Mr. Gayer to accept what may be agreed upon at such conference. But simply with a view to prepare for the consideration of him and of his friends, the form of an apology.

In the meantime, I undertake to accept of six days notice of trial for the next Kerry Assizes, and shall be ready to accept and act on any pleading you may file on or before the third of March, so as to afford ample time for making any arrangements to which you may be willing to accede.

Acting upon what is contained in the proposed apology, on the subject of publication in other newspapers, I have given directions, that the paragraph which Mr. Byrne published in his paper of the 4th of February shall be inserted in the *Dublin Evening Mail*, *Dublin Evening Post*, and the *Freeman's Journal*.

I will take it as a favor if you would give me as early a reply as your convenience will permit, and remain, Sir, your very obedient servant,

THADEE W. MURPHY.

Battersby and Carroll, Esqrs. &amp;c. &amp;c.

5, Lower Merrion-street, 21st Feb. 1845.

GAYER v. BYRNE.

SIR—We were favoured with your letter yesterday, but did not receive it until after the Plaintiff's conducting counsel, Mr. Keller, had left town.

With every personal respect for yourself, we do not think that any good could result from a conference between us—nor do we feel justified in deferring longer preparing for trial, having regard to the short interval that remains, especially as we have been advised to have the case tried by a special jury, the striking of which you know requires a considerable time.

The terms of the proposed apology were carefully considered by Mr. Keller, and we think you cannot fail to see that in such a case, nothing but the fullest apology could be accepted by our client without a compromise of character.

If the defendant thinks fit to make any farther apology, we shall of course submit it to the plaintiff and his counsel—but having already furnished you with the form of an apology such as the plaintiff and his advisers consider the case requires, we cannot be a party to the *preparation* of any other.

You must allow us to add, that if your object be a settlement of the case, we cannot see any use in your inserting in the *Evening Mail*, *Evening Post*, and *Freeman's Journal*, an apology which the plaintiff has already apprised you, is neither sufficient or satisfactory—unless defendant be determined to make no other, in which case the present correspondence is wholly unnecessary.

We remain, Sir, your obedient servants,

Thadee Wm. Murphy, Esq. 16, Bachelor's-walk.

BATTERSBY AND CARROLL.

And now I pray your attention to what I conceive to be an apology that should remain a prototype for erring newspaper editors, in all time to come. It professes to be a matter which should be inserted in the *Kerry Examiner* in the shape of an apology.

THE REV. CHARLES GAYER, v. KERRY EXAMINER.

Our apology to the Rev. Mr. Gayer, inserted in the *Examiner*, of the 4th inst. not having been deemed satisfactory by that gentleman and his friends, we, without hesitation, insert the

following further apology, which we hope will be accepted as the only atonement in our power to make for the injuries we have inflicted on his feelings and character :—

TO THE REV. CHARLES GAYER, RECTOR OF VENTRY AND DUNURLIN.

February, 1845.

SIR—Having in the numbers of the *Kerry Examiner*, dated respectively the 22nd and 26th Nov. last, imputed to you deliberate falsehood, hypocrisy, imposture, and fraud, in most offensive language, and having persevered in, and repeated such charges in such newspaper, on the 17th December, as also on the 19th of January, and 28th January, after having been served with the writ, in the action now pending at your suit against me, as the Proprietor and Editor of said newspaper, I now unequivocally retract each, and every of the said charges, and all other imputations upon your character and conduct, contained in the several papers above-mentioned, and confess them to have been wholly untrue, and to have been made against you, not only unjustifiably, but without any probable cause. And I hereby express my conviction, that you are incapable of any of the acts of lying, hypocrisy, imposture, and fraud, imputed to you, and my unqualified regret at having been led by the heat of controversy and party spirit, so far to exceed the proper bounds of the liberty of the Press, as to have imputed to you the matters contained in said publications, which I hereby admit to be libellous and illegal. And I further beg to express my sincere thanks to you for having consented to forego the further prosecution of the said action against me without demanding any pecuniary compensation upon my publishing this apology, and paying the full costs you have been put to in this action, and I further undertake to publish this apology, within one week in the said *Kerry Examiner*, and also in the following newspapers, viz.—the *Dublin Evening Mail*, *Dublin Evening Post*, and the *Freeman's Journal*.

Proprietor and Editor of the *Kerry Examiner*, and Munster General Observer, 7, Denny-street, Tralee.

Was that, gentlemen of the jury, a document necessary for the vindication of Mr. Gayer, was it necessary that the document which was to be the atonement should reiterate the charges contained in the alleged libel? Was it necessary for the vindication of Mr. Gayer's character that the defendant should trumpet forth, that he had transgressed the liberty of the Press? Did not Mr. Byrne offer to go beyond even that published apology if he could do so without compromising the independence of his journal or his own character? Gentlemen of the jury, I entirely agree with some sentiments that have been urged by my able friends on the other side. Particularly true is it that there have been individuals, and I hope classes who, though entertaining different opinions on that which is the most important of all human concerns, have met in harmony, concord, peace; and affection. We have contracted early affections, and we retain them, and shall not change them until death may, I will not say sever them for I trust that even then they may still remain. Would to God we could all forget that system which I once heard eloquently described as "advancing the interests of society, by throwing the Bible at each others heads." What is intended to be gained if Mr. Gayer gets damages now? He surely does not come here for the purpose of making money by this action. I am sure neither himself or his friends will impute or assert that he requires a heavy verdict in this action, for the vindication of his character. In the course of this trial he has had the advantage, he has had ample opportunity of showing the many good qualities which he undoubtedly possesses. There is much excitement abroad, in reference to this case, I don't think a verdict for the plaintiff from you will tend to mitigate it. Do you think there are no libels, no illegal publications that are at this moment pending and may be acted on? And do you think the verdict you were called upon to pronounce may not stimulate those bad passions which have, up to this time, torn society asunder in those localities where they prevail? If I were Mr. Gayer, I should not consider my success in this action an exemplification of that charity and christian benevolence of heart to which his counsel so eloquently alluded, and all I can say is, that it is my earnest prayer that those consequences to which I would look with so much apprehension may be averted by the verdict you will pronounce.

The Rt. Hon. Gentleman here concluded his speech, which was listened to with profound attention.



**TIMOTHY LYNCH** sworn and examined by Mr. Gallwey—I live in Dingle I am a teacher of the National School since the 17th of last April; I was teacher of a National School at Ballyferriter in the year 1838: I went to Liverpool in 1841 and I remained there about three months; I came back to Dublin in 1842; I met Mr. Matthew Moriarty in Dublin; he is brother to the Rev. Mr. Moriarty; I had a conversation with him in Dublin.

Mr. Keller objected, and the Judge decided against the question being put. Examination resumed—In consequence of the conversation which I had with Mr. Matthew Moriarty I went to church in Dublin; I came to Dingle, some time after, and went to Mr. Gayer and asked him for money; he said he would not give me any unless I went to church, and that if I went to church I would be provided for, and would get a settled salary of £12 a year; he gave me two half-crowns on that day; I did go to church, and I got the salary he said he would give me; I had nothing to do for it but to read the Bible; I got a pair of shoes from Mr. Gayer; I got 10s. from Mrs. Gayer on the day that I was going to Mr. Norman, of Abbeyfeale; Mr. Norman is a Protestant clergyman; he was then curate of Brosna; I am now a Roman Catholic, and I was appointed teacher of the National School by the Rev. Mr. Devine, the Roman Catholic Priest of Dingle.

Cross-examined by Mr. Keller, Q.C.—I was born in Iveragh, and lived there in the early part of my life; I came to Dingle to go to school.

Where did you stop at Dingle? I stopped at Miss Hussey's, of Kilmountain.

How long did you remain with Miss Hussey? I stopped with her until I was sent to Dublin to be trained as a National schoolmaster.

Did you pay Miss Hussey for your board? No, Sir, I had my board for teaching her niece.

So you were teaching and going to school in Dingle? I was, Sir.

And now, what did you teach Miss Hussey's niece? I taught her reading and writing, Sir.

And what were you learning yourself? Reading and writing, Sir.

How old was Miss Hussey's niece? I can't say; she was a growing up young lady.

She was a growing up young lady, and you were a smart young man? I suppose so (laughter).

How old are you? I can't say, but I believe I am between twenty-five and thirty.

How old were you when you taught Miss Hussey? I don't know.

In what year were you teaching her? In the year '37.

What was the young lady's name? Mary Hussey.

When you left off going to school what did you do? I went to Dublin to be trained.

How long did you remain in Dublin? About three months, Sir, and at the end of that time I came back to Dingle.

Were you a Roman Catholic when you came back? I was, Sir.

Why did you come back to Dingle? I came back to be appointed a teacher of the Dingle National School; I was appointed a primary teacher; Ballyferriter is about 6 or 7 miles from Dingle; I left the National School of Ballyferriter the year '41, and I was appointed as teacher there in the year '38.

Why did you leave it? I left it because I didn't want to stay any longer there.

Upon my oath I had not a quarrel with Mr. Casey, the Priest, about salary; he did not turn me out of the school, but he wanted to reduce my salary, so I left him, and went to Liverpool in expectation of a situation; I got sick in Liverpool and was so for about six weeks; I never went to Church in Liverpool; I came from Liverpool to Dublin, and on my arrival in Dublin I met the Rev.

Mr. Moriarty's brother, and had the conversation with him; I went to Church in Dublin at that time; I don't think I told the Rev. Mr. Norman that I read my recantation in Liverpool, and I never did so.

Court—Then if you told Mr. Norman that you did, it would be a lie?

Witness—It would, my lord.

Mr. Keller—You say you went to Church in Dublin? I do, Sir.

Now, what was the name of one of the Churches? I don't recollect, Sir; I think it was a Church in Gardiner-street.

Who preached there? I think it was Mr. Fleury, Sir.

What other preacher did you hear during your stay in Dublin? I think I heard Mr. Gregg, Sir; I think it was he that preached in Gardiner-street.

And tell me, now, who took you to hear those preachers? Mrs. Peebles and Miss Bellingham took me to another Church, but I don't know the name of it.

Who were Mrs. Peebles and Miss Bellingham? They were two ladies that Mr. Matthew Moriarty introduced me to.

I see, and you told Mrs. Peebles that you were an excellent Protestant? 'Twas necessity compelled me to do it (laughter).

Mr. Moriarty introduced you to Mrs. Peebles, and Mrs. Peebles told you to go to Church? Yes, Sir.

Come, now, upon your oath didn't you humbug the lady (laughter)? Many besides me humbug them (renewed laughter).

On your oath didn't they think you a great Protestant? Sure I went to Church (laughter).

Come, now, didn't Mrs. Peebles and Miss Bellingham think you were a great Protestant?

Witness—(pausing and holding down his head)—They did certainly (loud laughter).

Now, on your oath, how long did you continue humbugging the poor ladies (laughter)?

Witness—(pausing and confused)—I suppose it *was* humbugging 'em (great laughter).

But how long did you continue humbugging them?—I was with them from the time I arrived in Dublin till the 16th of March.

How much money did you get from them? I can't tell.

Was it so much that you can't tell (laughter)?—"Twas not so much as that; I was employed by them teaching Irish, and I was obliged to attend Mr. Matthew Moriarty every day at his rooms in College to receive instructions.

By the virtue of your oath didn't you humbug Mr. Moriarty too? I suppose I did (laughter).

When you left Dublin you went to Dingle to Mr. Gayer? I did, Sir.

Now Sir, on your oath, didn't you humbug Mr. Gayer too? Indeed I did; I said I was a convert.

On your oath didn't you humbug Mr. Gayer well? I suppose when I had no notion of stopping with them 'twas nothing but a humbug (great laughter).

Now didn't Mr. Norman think you were a convert also? He did.

Didn't you make him think you were a very good Protestant? I must own I did.

And you were not a Protestant? I suppose I was when I was going to Church (laughter).

So you first humbugged the poor ladies in Dublin, then Mr. Matthew Moriarty, then Mr. Gayer, and lastly Mr. Norman—wasn't that it? (The witness gave no answer but remained confused and puzzled amid great laughter).

Examination resumed—Were you employed by Mr. Norman?—I was employed as his clerk and schoolmaster.

What salary had you? I had £20 a-year first, and £25 a-year afterwards.

And during the whole time you were no Protestant, but were humbugging Mr. Norman—weren't you a pretty hypocrite of a clerk?—(loud laughter caused by the dumb-founded manner of the witness).

After you saw Mr. Gayer on the first day, when did you next see him? I saw him on Easter Saturday.

And what did he say to you then? He said that he expected me to be at Church on Good Friday.

Mr. Keller—So Mr. Gayer asked you on Easter Saturday to come to Church on Good Friday (loud laughter)? Oh! no, but Mr. Gayer said that he was expecting me at Church on the day before.

Mr. Keller—Was it the Rev. Mr. Devine that employed you as teacher of the National School? It was, Sir.

Mr. Keller—I hope you are not humbugging him too!

Examination resumed—In May '42 I went to Mr. Norman; when I left him I went to Dingle back again, and went to Chapel for good example (laughter); the Rev. Mr. Devine got me appointed to be teacher of the National School at Dingle in some time after; I was degraded for losing my class; I told Mr. Devine the truth after I came from Dublin.

Mr. Keller—Did you tell him how you humbugged Mr. Gayer, and Mr. Norman, and the poor ladies in Dublin? I did not call it humbug; I told him necessity compelled me to change.

Mr. Keller—How many children have the good fortune to be under your charge? Sometimes one hundred and eighty.

Do you instruct them in morality and truth? I do, Sir.

Do you consider it a crime to tell a lie and to be a hypocrite? It is certainly!

Do you teach that to the children? Sometimes.

Was it Mr. Devine that spoke to you about coming here? He asked me and I know anything about the matter of this trial, and I told him what I knew.

Court—I hope the Rev. Mr. Devine has heard your evidence to-day, my man.

Mr. Keller—Is Mr. Devine, in Court? He is. (Here the witness pointed to the Rev. Mr. Devine who sat behind the counsel for the defence, and from time to time, seemed to make suggestions to counsel).

EDWARD HUSSEY sworn and examined by Sir Colman O'Loughlin—Is a shoemaker and resides at Dingle; is a Roman Catholic at present, but was once a Protestant, had a conversation with Mr. Gayer before he became a Protestant; received money from Mr. Gayer for the purpose of going to Church; witness mispent his time greatly when he was young, and drank a good deal; he used to attend the meetings, and also go to Church; does not well remember the conversation with Mr. Gayer; received but a trifling share, but gave no value to him for it; knows a family named Fitzgerald in Castlegregory; was sent by Mr. Gayer to Fitzgerald to tell him to send his children to the Protestant school; Fitzgerald sent them but afterwards took them away; knows a Scripture-reader named Jones; went on no message from Mr. Gayer to a woman named M'Carthy; heard a conversation which Mr. Gayer had with a woman named M'Carthy; after that conversation he (Mr. Gayer) increased her salary; he used to get her salary every Saturday; the converts are generally very poor off, and Mr. Gayer had generally to support them; witness observed the manner in which the converts said their prayers, some of them were not very zealous; thinks he observed some of them saying their own prayers; not in the house of worship though; Mr. Gayer was always present in the house of worship; at times several times doing it: when their children would have gone to the school on Sunday they would say their own prayers in the Roman Catholic form; used to see them bless themselves.

Cross-examined by Mr. Leahy—Knows Tim Lynch; is not well acquainted with him; he gave me no lessons in humbugging; do not know as to the

spectability of Lynch; was very foolish in the early part of his days; was fond of drink; remembers when he first went to Mr. Gayer; does not think he told him he was in great distress; when he went to Fitzgerald, Fitzgerald's wife was just dead, and there was no one to look after his children but a sister of Fitzgerald's; M'Carthy's family were in great distress when they first came to Dingle.

To Sir Colman O'Loughlen—No threat or force was used to make him become a Roman Catholic.

To Mr. Leahy—Is not called a souper now; was called so before, when he was one; it was a great word then (laughter); heard that M'Carthy died a Protestant; he knows nothing of the converts these four or five years past; they (the converts) are such a set, that it is better pass them; was summoned once to the Petty Sessions for having threatened converts; the name of the man who summoned him was Lehane; he got him bound to keep the peace; there was never a "suspicion of robbery" against him; never stole a pair of shoes; 'twas another boy stole them.

JOHN POWER sworn and examined by Mr. Gallwey—Lives at the Holy-stone, near Dingle (laughter); was going to mass in the beginning of his days; is going now to a Priest; is a fish-jolter; became a convert three or four years ago; got 30s. from Mr. Gayer to buy a load of fish; bought fish for it, and gave no value for it, but went to church; got a car also from Mr. Gayer; while down in the country, did not go to either mass or church; if he put down all he got on paper believes it would amount to about 5 or £6; used to eat a part of the money and drink a part of it; returned back in about a year; the horse he had was driven from Killarney to Dingle, and died after it came home. Mr. Gayer sent one of his congregation to say that if I staid at church the horse would not die at all, for that he would give me money to buy another; I was getting clothes, potatoes, and a free house from Mr. Gayer.

Cross-examined by Mr. Bennett, Q.C.—Is a fish-jolter by occupation; continued to go to church for about a quarter; was along with them for about a year, but was from home part of that time; used sometimes to go to a meeting in Dingle; if he did not do his duty he would be complained of; often brought fish to Mallow; never went to mass at Mallow nor to church; was not turned away by Mr. Gayer for getting drunk; often got drunk while he was a Protestant, and Mr. Gayer knew it quite well; got drunk often since he went back to mass; was never charged with stealing hay or oats; was charged once with stealing hay, but was acquitted; did not steal the hay; 'twas a *cracked* animal called Darby Shea that brought it into my house; feeds his horse with his own earnings; was never charged with anything else; went to mass because his father and grandfather went, and every one that went before him.

Mr. Bennett—Come now, my man, by the virtue of your oath, what induced you to go back to mass? What would make me but the love of God.

Mr. Bennett—And what induced you to go to church? 'Twas my belly of course, what else (roars of laughter)? Faith I used never to get the belly-ache while I was in the church (loud laughter).

Mr. Bennett—Did you eat meat of a Friday, while you were going to church?

Witness—No, indeed, faith, I did not; I would not eat meat for them on a Friday, any day, nor I would not eat meat to-day either (laughter). I am instructed now by the word of God.

Mr. Bennett—Does the word of God teach you to get drunk?

Witness—No, Sir, but 'tis them people that sell whiskey bad luck to them (laughter).

Mr. Bennett—Well, and what does the word of God teach you?

Witness—Why God gives me the use of my limbs.

Mr. Bennett—Were you ever called a "souper"?

Witness—Wisha, faith, Sir, it is a fond name, and I'd be glad to be called it every day, if I got a good bowl of it (loud laughter).

Were you called any other names? I was, Sir; they used call me "turncoat" and "belly hunter" (laughter). Children called me these names, and old people too, and young men. I was called "souper" too, to-day (laughter).

Mr. Bennett—Who called it to you to-day?

Witness—The butchers in Killarney, Sir; in fact they used all to be calling it to me, and they have not dropped it yet—(laughter). I never got a blow, nor gave one while I was a "souper." In fact, Sir, 'twas the belly did all of it—(loud laughter).

Mr. Bennett—You may go down.

The REV. HENRY M'MANUS was then called, and on being tendered the book said—My Lord, I request that I—

Court—Are you a Covenanter, Sir?

Mr. M'Manus—No, my Lord, but I am connected with the General Assembly of the Presbyterian Church.

Court—Very well, Sir.

The witness was then sworn by holding up the hand and repeating the words of the oath.

Court—Do you consider that oath binding on your conscience?

Witness—Certainly, my Lord.

The witness was then examined by Mr. Pigott, and stated that he was a Minister of the Presbyterian Church, and resided at Milltown, in this county. None there have made direct profession of Presbyterian Christianity, but some of them got their children baptised by him. Has been there three years, and several persons attend the Presbyterian services; had some members of his church at Lahern, in fact what may be called the nucleus of a congregation there. Received a letter lately which he holds in his hand; this other one is a reply to it. Mr. M'Manus then handed in the letters to be marked as shewn to the witness.

Cross-examined by Mr. Freeman, Q.C.—Has not even the *nucleus* of a congregation at Dingle; uses no means to propagate Presbyterian opinions there; has never preached at Dingle; was often hooted at and pelted with stones at several times. They have called him names of a most shocking description; among the rest he had been called "Beelzebub," and other names so indelicate that he would not mention them; he understood all the priests had formed a combination to—

Mr. Pigott objected to the evidence being received. The objection was allowed.

Mr. Bennett—Whom do they mean by Beelzebub?

Mr. M'Manus (emphatically)—myself!—(laughter).

Mr. Pigott—My Lord, we have now done with Mr. M'Manus. We intend to bring evidence as to those letters he has produced. You may stand by, Sir.

TIMOTHY M'ARA (a man of apparently 45 years of age, of wretched appearance), sworn and examined by Sir C. O'Loughlen—I live at Ventry; I am a Roman Catholic; I am going to school at Dingle—(laughter); I have no trade. (Here a letter was handed by the counsel to the witness). I know that letter, and it is in my hand-writing; I wrote that letter to Mr. M'Manus in consequence of a communication which I had with fifteen converts. Witness afterwards said that he did not write the letter but put his name to it.

Mr. Bennett objected to this evidence; any communication which the witness might have with Mr. M'Manus could not be admitted as evidence.

The Court decided against the evidence.

Witness—I know the number of converts in the parish of Ventry; they are one hundred and eighty-two; I have a list of their names; I do not include

the Rev. Mr. Moriarty, and his two brothers in the list; I do not consider them 'soupers'—(laughter).

Cross-examined by Mr. Keller—What are you learning at school? Reading and writing and figures.

Do you learn Greek? I do not.

Do you learn Latin? A little.

Do you teach Latin? I do not.

What book of Latin are you learning? I am learning the Latin Grammar.

Well, now, will you give me a few words of Latin? (The witness remained silent).

Mr. Keller—*Hic, hæc, hoc*—(laughter)—come, now, are you puzzled—(great laughter)—*hic hæc hoc*—(renewed laughter). Now will you give me a few words for that? (The witness could give no answer, but continued staring stupidly).

How often do you go to school? I go only an odd day or so.

What do you learn besides the Latin? I learn reading, and Voster, and I teach it to the children.

Do you know any word of Latin? No answer.

Can you tell me the meaning of *hic, hæc, hoc*? (Here the witness turned very pale, and appeared greatly frightened).

Court—I don't believe the man is well.

Witness—If you don't believe me here is my recommendation (taking a paper out of his pocket).

Mr. Bennett—Oh, we've seen enough of your character.

Mr. Keller—When did you take the census of the converts? The witness gave no answer.

You are a Latin scholar, and don't you understand the meaning of the word "census?" No answer.

When did you take the list of the "soupers," as you call them? About the 7th of last February; it is about a month ago.

Who desired you to take it? The Priest's clerk.

Were you ever a convert? I never was.

Mr. Keller—I am very glad of it—(laughter).

The witness was so unwilling to answer any questions on his cross-examination, that the Judge threatened to commit him, and was subsequently sent off the table.

THOMAS HORGAN sworn, and examined by Mr. Gallwey—Lives in the parish of Ventry; was born there; was a convert for a time; is now a Roman Catholic; got 9s. from Mr. Gayer, while he was a convert and 5s. more, which he sent me; Mr. Moriarty gave me a house rent free; 'twas those advantages induced me to go to them, and stay with them; was an Irish teacher while a convert; had 168 scholars, and six of those were Protestants; his school was visited, not by Mr. Gayer, but by his inspector; the inspector used to return all the children as Protestants and converts; knows this, because I heard the inspector tell Mr. Gayer that they were all converts, this was not true; there were only 4 children converts, and there were only ten entirely in the school who were not Roman Catholics; Daniel Sullivan was the inspector who used to make the returns; there were some old Protestants in the school; witness's instructions were to read to Catholics as well as to Protestants; on one occasion had a fray on the road; they occasion of it was this; witness was going home and he met a party of men; they stopped him, and said he was a great fool to be going to Church; witness was angry at the time, and struck one of them; the name of the boy he struck was Lynch; he hit him with a clod, but the boy said it was a stone; went to Mr. Moriarty, who promised to interfere for him, but he broke his word; went to mass in a few days, and the boy forgave him; the reason his father left the converts was that he knew he was doing wrong; there was a dispute between Mr. Gayer and his father; Mr. Gayer said they

should get every thing they wanted; Mr. Moriarty offered my father £ to church.

To a Junior—There were some gentlemen by when he left; his father for money; they refused him of it; 'twas for money his father went day to church; when he was refused the money he jumped away, and leave you there; the money witness got was as a gratuity, not as pay salary, and it was not stopped out of his salary.

Mr. Bennett—Upon your oath, Sir, can you say that 'twas not on account of being a poor man that Mr. Gayer lent you the money?

Witness—It was not to be sure. Do you know what he gave it to? I can't say; may be to buy a pair of trousers, or to get drink with it. Gayer say that it was to get drunk he gave it to you? No, he did not, I was processed for the amount.

To the Court—That was a lie.

Mr. Bennett—When you told Mr. Gayer you were processed, was true as that Mr. Moriarty offered fifty pound to your father?

Witness—it was.

Mr. Bennett—Now, Sir, you may go down.

JAMES KEARNEY sworn, and examined by Mr. Pigott—I am a pa I was a sailor on board the *Romilly*, 74, Captain Picker; I was in Indies, and at the Downs, Margate, Dover, and Ramsgate—(laughter in Dingle, at the John-street colony; I have a wife and five children; is very sick, and I do not expect her to be alive before me when I go home came a convert about six years ago; I met two men in the street who would I become a Christian man, and go to Church, and that Mr. Gayer give me plenty of work; I went to Church soon after; I had a horse, Gayer employed me and hired my horse; I got a house and a small garden attached to it; I paid no rent; does not think any of the other converts; my wife is sick for two months back; when she was very sick me that she'd like to have the priest; "what makes you think of that," "wouldn't Mr. Gayer do?" "No," says she, "whatever religion is the best I go wherever my father and mother went, and I think it is the nearest Heaven;" it was my intention not to let the priest to her, but the All God came to my heart, and I thought it enough to answer for my own (laughter); Father Scollard came and anointed her; in some time after one of Mr. Gayer's Scripture-readers, came and asked me about it, and him the truth, that the priest was there; he said he should tell Mr. Gayer went away; in some time after Mr. Gayer came and asked me why I let the priest in; he then went to see my wife and said to her, "Mrs. I that greasy oil can be of no more service to your soul than it could be sole of my boot;" she said it was her own wish to have the priest; there was a great crowd about the house and Mr. Gillman, the Sub-Inspector of

but keepers on me; I will keep the house I am now living in till I die—  
(laughter).

Q Cross-examined by Mr. Bennett—I bought the coat I have on me for my own money; I am a County Cork man; I used to sell fish at Dingle; I lived near Tralee for two years; my eldest son is about 14 years of age and my youngest son going on 4 years; I was going about the world selling fish; I am six years living in Dingle; I was at Madras and Bombay; I used to go to church when I was in England; we used to have church in the ship—(loud laughter); I am a real Roman Catholic now; the reason I left the navy was because I got a wound; I was in the ship for two years and four months; I have a pension; I became a Protestant in order to get work; 'twas not from any great conscience—(laughter); I kept up the pretence for two years, and latterly I was getting fond of it—(laughter); I would stick to it but that they turned very scarce latterly—(laughter); they had a very poor hand with me of late; my conscience changed when I did not get the money—(loud laughter); I have the grace of God since I became a Roman Catholic; I am earning 8d. a day since I went to mass, and the neighbours often send a drink to my wife; I don't know whether my sons have miscondacted themselves in Dingle, but they might misbehave themselves unknown to me; some of my sons, with other boys, were charged with stealing a cock and a hen; I don't think they eat the cock—(laughter); but they sold him to a woman; I suppose if they were chastised at school they would not do—(laughter); myself and all my family were not turned away by Mr. Gayer on account of stealing the cock; Mr. Gayer was always fond of me; I was not turned out of the church, and I don't think all my family were; I do not think that I was taken back through charity; before I became a Protestant Mr. Gayer neglected my wife, but she did not neglect the person she wanted to call—(laughter); I can't say anything but that Mr. Gayer was a good man to me; there was a great crowd about the house on the day that the priest prepared my wife; they came to look at the priest and the parson; there were some "souters" among them; I will not swear that Mr. Gayer sent the keepers: when I was going to church I was called "souper" and "turn-coat"—(laughter); Mr. Gayer took me back again, for I was very poor; I came to the Assizes to tell my story when I saw all the neighbours coming; no one told me to come; some of the neighbours asked me was I coming.

Mr. Bennett—Now, on your solemn oath did any one else tell you to come.

Witness (pausing)—Why, Sir, sure when a man turns he ought to come wherever his clergymen would tell him

Now who told you to come? Father Scollard did, Sir. So Father Scollard made your leave your dying wife to come here? He did, Sir; I can't tell exactly the time that Mr. Gayer told the keepers not to let out turf or potatoes; I believe it was on Monday morning.

To Mr. Pigott—It is not a year since the boys stole the cock; Mr. Gayer went to the school, and gave them a great beating with a whip for doing so.

To Mr. Bennett—I was once in Killarney, and I sold an eagle there; I don't know Mr. Murphy, the attorney; a gentleman took down my evidence in writing to-day; I came with Mr. Scollard from Dingle to-day; when I said I would keep the house till I die, I meant if I could do so—(laughter); no one told me to keep possession of the house.

Mr. Pigott—Is it your lordship's intention to adjourn?

Court—If you have any more witnesses, Mr. Pigott, I will hear them.

Mr. Pigott—My lord, it is impossible for us to discharge our duties at this hour.

Court—I cannot help it, Mr. Pigott, the public business requires it; I have another record to try, and I must stay until this case be closed. I will not call on the counsel for the defence to speak to evidence to-night, for that would be unreasonable; but I must hear the last of the witnesses.



JOHN SCANLON sworn and examined by Sir Colman O'Loghlen—I clerk to Mr. Collis, the grocer in Dingle; a conversation occurred in the shop some time since—

Mr. Freeman objected to this being received in evidence.

After a short discussion, the evidence was ruled to be not admissible.

This witness was retiring when Sir Colman O'Loghlen called him back, and asked him did his master sell indiscriminately to converts and to Roman Catholics. The witness answered in the affirmative.

MAURICE POWER sworn and examined by Sir Colman O'Loghlen—I am a fish-jolter by occupation; I live in Dingle; about four weeks ago I was walking in the streets of Dingle, when one of Mr. Gayer's Bible-readers asked me to go to work; I then consented; I went to Mr. Gayer, and had a conversation with him; Mr. Gayer asked me was I always labouring; yes says I, when I can get the work, but not otherwise; well and good, faith, siz he, will you come to church, siz he, if I give you, siz he, what you want, siz he; as to that, siz I, there's two words to a bargain, siz I, and I must wait a bit afore I give you an answer, siz I; well and good, faith, I tould him that nothing less than a horse would satisfy me (laughter); I was a fish-jolter, siz I, and I had a horse, siz I, and I'd wish to have him again; well, siz he, what sort of a horse will satisfy you; about, siz I, from four or five pounds worth; agreed, siz he, as if you come to Church next Sunday you shall get the horse and more than that; that was well and good, faith, I went to Church, and on Monday I went to him for the horse (laughter); buy the horse, siz he, and I'll pay for him; well, Sir, after rambling about trying to please myself, I got a nice little bit of a horse that just matched me; I asked the parson for the money; never mind, siz he, I'll get you a better way of living than any horses; nice words, Sir, certainly, without a doubt of it: sure there he is behind your reverence, and let him say a word agin it, if he can (laughter); wisha, faith, Sir, I did not like his ways, at all, but I staid with him for about another quarter, and then I asked him for the horse again; oh! yeh, siz he, never mind the dirty animal, siz he, I'll get you better employment than that, siz he; well faith, fool enough, as I was, I still staid with him, and used to work for him, and got pratees from him (laughter).

Sir Colman O'Loghlen—And did you pay for them?

Witness—Yerra! why should I, Sir, when I was going to church (roars of laughter). I remained twinty weeks and three days, and I left my hire in his hands; I went to him at the end of that time, and axed him for the money, but not a bit ov it did I see, from that day to this.

Sir Colman O'Loghlen—Did you take any steps to recover your hire?

Witness—To be sure, I did, Sir, but what use was it for me? I process and decreed him for the twenty weeks and three days I was with them; he appealed tho' and he bate me, because I had no one to back me in Court—(laughter). Were any offers made to you to come back again to them?—Then wor, Sir, John Lacey came to me and said I'd get 30s. to buy a pig, and a pound's worth of pratees if I staid with them. And did you go to them again?—Oh! you know, Sir, I would not go to them "*soupers*" now for all the money they could give me, that's all I have to say about the set, and a bad set they are—(laughter).

Cross-examined by Mr. Freeman—Are you married?—Yes, Sir. Did your wife go to church with you?—I had no wife then, Sir, I was a widow—(loud laughter). And have you a wife now?—I have, Sir. Is she a "*souper*"?—She is not, Sir. Have you any children?—I have, Sir, one daughter. Does she go to church?—She did, Sir, because she got clothes for it. Oh! I see, and 'twas for the horse you went to church.—To be sure, Sir, what else would make me go. For a horse?—I didn't; I would not sell my soul for any horse. Did you go a horse for going to church?—I did, but Sir, I did not stay with them long. Would not you do the same to-morrow for a horse?—I would, but I'd not stay long with them, I'd go back when I'd get him—(laughter)—but faith I wou-

not stop long with them for all the horses in the world—(loud laughter). Would you go to a Turk's religion for a horse?—I would not. Would you for a cow?—No, I would not. Would you go to the Protestants for a cow?—Sure its equal where I'd go for a time; I would not stay long with them I promise you. Now, on your oath friend would you not, if I gave you a good horse that would be able to draw two or three loads of fish, would you not sell your soul and become of any religion I'd wish?—I would, I might stop along with you for two or three days. By the virtue of your oath, don't you consider it a bad thing for a good Catholic to go over to the Protestant?

[Here the witness hesitated, cast a glance at the Rev. Mr. Devine, the R.C. Priest of Dingle, comically scratched his head, and evidently appeared in a complete "fix."]

Mr. Freeman—Come, Sir, answer the question, don't be looking at this gentleman (Mr. Devine); look at that jury, and don't be looking about you that way—Witness—Sure I see yourself looking about you every way—(roars of laughter). Were you always a good Roman Catholic?—As good as I could. Always said your prayers, morning and evening? I did. Do you go to confession? I do. Is it a sin for a Roman Catholic to become a Protestant?—Yerra, sure, how could I help it. Sure 'tisn't for the sake of my soul I went at all; 'twas for the sake of the bribe.—Didn't you sell your soul for a horse?—For a horse! Yes, for a horse? I didn't; I would not sell my soul for all the horses in the world.—Did you not get a bribe, you say?—I did, but what has that to do with it?—What was the bribe for?—Sure I don't know: I suppose 'twas to take it—(laughter). Were not you a Protestant at one time? (Here the witness made some remarks in Irish, which we could catch). Come, none of your Irish for us; you answered well enough when this gentleman was asking you questions. Upon your oath do you know the meaning of the word "convert"? *Convert!* fwahats that?—(laughter). Did any one tutor you previous to your coming up on that table?—*Chutor* me. Yes; tutor you? Who were your companions from Dingle to-day?—From Dingle?—Yes. Yerra, who'd be with me? Who brought you from Dingle?—Myself did—(laughter). Who were with you?—There were six or seven of us there. What were their names?—I only know two of them. And who were those two?—(Here the witness hesitated). Come, Sir, answer the question. Do you know the men?—Yerra! why wouldn't I know them. Then can't you tell me their names. Sir—(roars of laughter). Are you a fool or a rogue; which?—Wait, easy, sure, and I'll answer you. I ask you again, which are you a fool, or a rogue, or both?—Is it a fool or a rogue, yerra. Yes, it is: answer the question. I tell you I'm no rogue. Then what are you?—Sir. Sir! Who came with you from Dingle?—Stop, easy, and I'll tell you. Come, answer me, who came with you?—Jer Casey came with me. Well, any one else?—Casey, I tell you. Who were the others?—The rest of them, is it? Jer Casey and Paddy Woods. I can't tell you; I don't know them. Come, Sir, you will not go down off that table, until you answer the question. Who were with you?—With me. [Here the witness paused for some time, and then commenced speaking Irish with volubility that actually stunned the ears of his hearers.]

Mr. Freeman having pressed the question, and having several times endeavoured to obtain an answer said—My lord, I believe it is useless for me to continue any longer at this man: I believe we have seen enough of his character.

A Juror (to the witness)—You must answer the questions of Mr. Freeman.

The witness made no answer.

Mr. Freeman—I should be very happy, my lord, to take any suggestions from a juror, but I am convinced this man is determined not to answer. I think we have got enough from him to show us what he is. [We understood the witness addressed himself to the Rev. Mr. Devine, who sat opposite and to say (in Irish) "If they'd take it in Irish 'Father,' I'd give it to them finely." The Court and Jury then beckoned him off the table.]

MAURICE FERRITER, sworn and examined—Lives in Dunurlin ; made out a list of the convert families in Dunurlin—there are seven families of converts, thirty-eight individuals in all ; some of the heads of families (that is the husbands) are strangers, but the wives are of the parish ; the converts were very poor before they became so ; thinks they are better off now ; one of them is a Bible-reader ; thinks he lives by that, because he sees him doing nothing else.

Mr. Gallwey—Did you hear any of the converts abuse Roman Catholics ?

Witness—Yes, Sir ; I heard Maurice Breen call the Holy Roman Catholic Church the “ Whore of Babylon,” and I heard him call the Pope “ Antichrist.”

Mr. Gallwey—Did you hear him say so more than once ?

Witness—I did, Sir, often.

Cross-examined by Mr. Keller—Earns his bread by farming ; lives with his father ; is driver to Mr. P. Gray, of Dingle ; knows those seven families ; some of the heads of those families came from other parishes—(witness enumerated their names)—God forbid witness should be a souper.

Mr. Keller—Did you ever call the converts “ soupers ?”

Witness—I did, Sir, as often as you have fingers and toes on you ; I also called them “ turncoats ;” worse names could be called to them ; I never saw a Roman Catholic pelt stones at the converts ; I saw them hooted after, and hooted after them myself ; I know Mr. Moriarty ; I never heard him called “ lying Tom ;” worse names could be called him than “ lying Tom.”

The witness then retired.

Sir Colman O’Loghlen—My Lord, we tender in evidence the letter of the witness Mara, and the letter of Mr. M’Manus in reply.

The Court declined to receive them.

Sir Colman O’Loghlen—We close, my Lord.

The Court then adjourned at half-past nine.

#### SATURDAY.

This morning his Lordship took his seat on the bench, immediately after which, Mr. FREEMAN, Q.C. having first recapitulated the several averments in the declaration, addressed the jury to the following effect:—Gentlemen of the Jury, I appear here before a jury empannelled under a special panel of the county—empannelled without reference to religious, political, or any other feeling, save that of a fair and full confidence in the gentlemen whom I address, that they will do justice to the parties coming forward on this occasion. Gentlemen of the Jury, I only ask for justice—I only ask for that which every man in the community—every individual in a free community is entitled to have—I ask for JUSTICE. Gentlemen of the Jury, I neither mean to appeal to your passions or your prejudices. I do not intend to throw into your box, intentionally at least, any observation calculated to give pain or offence to any individual, further than is necessary in the discharge of the painful, the serious duty imposed on me with respect to one individual—the defendant in this case. Gentlemen of the Jury, my learned friend, Mr. Pigott, has spoken to you with great judgment and great propriety as to the difficulties and duties of a public Journalist. I admit he has the one and is encompassed with the other. But, Gentlemen of the Jury, if he undertake an office in the highest degree responsible, in the exercise of which he may be either extremely useful or extremely mischievous, he is bound so to conduct himself as not in the discharge of what he considers a public duty, one, however voluntarily undertaken by him, to cast an imputation on the reputation of other individuals, which may give them pain or do them injury. The fact of authorship of the particular publication is perhaps impossible to have brought home—impossible to have immediately ascertained. The power of circulation which every publisher has, and the matter he publishes, may bring his publication to the notice of those farthest from the spot or nearest

at home to the individual. It may extend over the whole civilised world, or come home to the feelings and prejudices, afford food to the enmity of those immediately localised in his neighbourhood. Gentlemen of the Jury, it is, therefore, of all duties, if it be voluntarily undertaken, one which should be most cautiously exercised. There is no power on the part of the individual slandered to reply—no opportunity given him to say this is untrue of me, unjust to me, injurious to me. The injuries are inflicted behind his back, through the medium of those with whom he is not in communication. It is not like the case of a person who gives you an insult to your face, which you may repel by declaration or assertion of character in some other way; but when your character is put in the power of a person, assuming a public duty, voluntarily, he must be—and the interests of every man require that he should be—responsible to the individual he may assail, for every publication he ventures to insert. My learned friend has spoken of the luxury of newspapers. Luxury of newspapers! Gentlemen of the jury, are the luxuries of the press to be administered through the agonies of third persons? Are the luxuries of the press to be administered through ruined character or the sacrifice of the professional or private prosperity of others? Is that the luxury to be administered by the Editor of a public journal? No. The more serious his duty, the more should always be the caution, with which he exercises that duty. No man is to be made the sport, the object of insult, of injury, of anonymous slander, of vindictive imputation, which he has no means to repel, except those which my client has been reluctantly forced to adopt. My friend, Mr. Bennett, has beautifully expressed the value of character. He put it to you, as possessing far more value than the property which you, or any other individual holds. And he did so with truth, for, with all the wealth of the world, a tarnished reputation would make its possessor at once disgusting and detestable. The greater the wealth of that man who is the object of slandered unjust censure—the more responsibility rests on him in public estimation, the greater the injury inflicted, if he did not deserve those imputations. The higher the position, the more extended the duties the individual owes to society, the more will imputation rest, with injurious effect, the more painful will it be felt by the individual, and the more heavy its consequences in society. But if property requires that injury done to it should be redressed, can there be any doubt, that reputation requires the same shield and means of saving itself from petty malignity, whether it proceed from the foul heart of the man who propagates the slander, or from the suggestions of others behind the scenes, through whom or by whom it has been injured and defamed? Gentlemen of the jury, that protection is what my client now claims. And why does he claim it? He claims it because he is a minister of religion—because he is a gentleman. He claims it because he is an honourable, honest man. He puts his character before the world. When he complains of this injury, he opens the wide space of his life, and says, “Point out, if you can, connected with your imputation on me, any one act in justification of the foul slander which you have cast upon me.” He is enabled, therefore, at once to put his opponent on proof of the charge, and if that opponent recedes from that proof—if he shrinks from that trial—what are you to say of him? There is no allegation in the pleadings that one single imputation was proved. The Defendant *dared* not put it on the pleadings—he dared not venture to tender for issue the imputation which he so recklessly had made. I am sorry to say in going through this case, that the course taken and, for him, most judiciously taken, by Mr. Pigott, makes it necessary for me to recall your attention to the terms of these libels, to the proceedings of the respective parties, and to the spirit which seems to have existed from the first and continued to the last in the mind of the Defendant, till the advice of counsel warned the unfortunate slanderer of the difficulties into which he had brought himself. I shall go through those matters chronologically. The document which I shall first read for you is the publication of the 22d of November, 1844. The

heading of this document I call your particular attention to. It is in very large characters, "Infamous Perversion of Facts, as well as of Persons, in Dingle." Infamous Perversion of Facts!—That you will allow is rather a strong expression, and certainly, if I had only that expression, I need not go much further to establish a libel. To call anything infamous is a libel. The evidence of the man who is stamped with infamy cannot be taken in a court of justice. He is degraded individual, excluded from the pale of the law. The expression here is "*Infamous Perversion of Facts, as well as of Individuals.*"

"It is really astonishing to what extreme lengths the spirit of falsehood and fabrication will carry the hypocritical dealers in cant, the whole tribe of pharisaical traffickers in tea, tracts, and fraud."

Gentlemen of the Jury, let that be said of any of you, and how would you feel? It is admitted on the pleadings, by Mr. Pigott last night, and by the course of evidence on the part of the Defendant, that the averment applied to my client. You have, therefore, no difficulty in understanding who is meant, for counsel for the Defendant says, "I know and I admit on his behalf that the individual meant was the Rev. Mr. Gayer."

"In fact, so frequent are the lies, so accumulated are the impostures, uttered and resorted to by all and each of these false teachers, these wolves in sheep's clothing, and the unfortunate dupes that compose their flock, that if we could wield as many pens simultaneously as there are quills in a porcupine, we would not be able to meet the one-hundredth part of them, so as to refute the one and expose the infamy contained in the other."

Here again there is a distinct admission by the pleadings that these words refer to the Rev. Charles Gayer, who is called a "liar." Gentlemen of the jury, is that a word to apply to a man of honor—to a gentleman. What phrase which the most debased vocabulary, the basest malignity could find or suggest, amounts to a more insulting phrase than that? In the code of honor—one to which the appeals are lessening from day to day, and one which I trust will soon pass away—that epithet could only be washed out by the blood of the man who made use of it. It was a phrase which contains every thing mean, and base, and false. It is in truth that the whole of the social ties which bind men together, which bind their contracts and their conduct—it is in truth that the whole arch-stone of the fabric of society depends. It is in truth the witness deposes. It is in truth the jury decide. It is in truth that every matter connected with, and every relation of society so far as any man's conduct can influence another or himself, is based. And, Gentlemen of the Jury, if it ever becomes a matter of slight indifference to call another a liar, in that you will see the indication of fading principle—the declining force of moral or religious obligation, and an eventual falling off of every tie and duty of man. Whether it be truth as connected with this world, or that which is to come, it is in truth, and with truth, that the best interests of society are bound up and identified. Therefore, gentlemen of the jury, it is not a cause of slight offence on the part of this man to inflict an outrage of this kind upon any individual, much less a minister of religion, who is bound by the most solemn obligations not only of this world, but of that to which he looks hereafter, and points the way. And, gentlemen of the jury, mark the malignity which he attributes to my client, that he was—what? A thing for the finger of scorn to point at—a hypocrite, "wearing the livery of the court of Heaven—to cheat the devil in"—a "wolf in sheep's clothing." You are all aware of the fable which was intimated by that allusion; and, gentlemen, that coupled with the word "imposture," shews, first, deceit, and, next, the destruction of those who are the objects of that deceit.

"While we have their followers at home, in their own locality, we have some fair play at them, for if they 'draw the long bow' then, there too many eyes upon them to allow

the schemers to triumph long in their iniquity, and the huge lie is at once hurled back on their own heads."

Here we have him not only alluding to one libel which he has uttered, but contemplating future libels, which intention he followed up by a reiteration of libellous articles on my client. One quill is not sufficient for the outpouring of his venom, but he must exhaust those of the fretful porcupine—no inapt type, you will say, of this pitiful slanderer. We shall see whether the animal whose garb he has put on is likely to do him service with an honest jury. "*Long Bow!*" The writer here, you will perceive, deals in metaphor as well as in malignity; but though he surrounds his productions with a maze of metaphorical confusion, his object is not the less clear.—They are not to be allowed to triumph *long* in their iniquity. "The huge lie is hurled back on their own heads!" Contemplating there, gentlemen, by this very libel and the use of it in the locality where they are, to stimulate an opposition which—and the evidence illustrates the truth of my observation—which would hurl something more dangerous than libel at their heads.

"They are, therefore, more cautious where detection and exposure follow instantly on the heels of each mercenary perpetrator of each pious fraud. All this they know, and therefore their nature is somewhat migratory, but unlike the feathered race, their migrations are not regulated by degrees of heat or cold—the bleak north is as congenial to the fanatical squad as the more temperate South, and therefore a winter in Belfast is to them quite as agreeable and healthy as a sojourn for the summer season on the shores of the Cove of Cork, Ventry, or Dingledeyouch. A LIE is never out of place or out of season with them—in summer and winter, in autumn and spring, it blossoms on their lips—in every climate of the world they expect to pluck its fruits, and gather in its *golden* harvest."

"Mercenary perpetrator!" "Pious fraud!" "*Golden harvest!*" Gentlemen of the jury, the object of my client, and of those who co-operate with him, whether you approve of it or not, is one which I believe, and many of the jury will agree with me, is with them a matter of conscientious obligation. They thought it right; and is it not too bad that an honest man going forward with an honest purpose, what he considers a most solemn obligation and duty, is to be called a mercenary, in what he does, because what he has done has relation to religion? What more insulting to the character, more humiliating to the individual, even in his solemn relation with his God, than to be called a mercenary! The subsequent portion of the passage is important to shew to whom the writer alluded, whom he was watching, and following, and casting imputations upon, because it has a distinct reference to that passage where those gentlemen are called "fanatical dealers in tea, tracts, and fraud." It is unnecessary, indeed, to labour in argument to shew the relation of this libel to Mr. Gayer. You have eloquent writing here, beautiful imagery—though not very correct, if criticised as a matter of diction; but it will answer remarkably well for the region of Dingle. Perhaps, it is not quite the thing which men of your station and acquaintance with literature may admire, but it is that which would tell at once on the minds of that class to whom it was directed, on whom the writer hopes it will operate, and create that feeling, of which, I shall by and bye, call your attention to the lamentable results.

"We have been led into these observations by the perusal of a statement which appeared in a late number of the *Belfast Commercial Chronicle*, which has been forwarded to us, and to the statement in which our special attention has been directed. The Rev. Mr. Gayer, after all, has not been able to escape our clutches—we have the delinquent by the ear, and sick as it appears he is, we bring him back to Kerry to punish him here also for the LIE, provided the sickness with which he is already visited, as if by a SUPERIOR POWER, will permit him to revisit the former seat of his fanaticism and fraud. The following is the statement we alluded to:—

Before I read this document, I shall, by the way, call your attention to this

rather singular circumstance, that though it is the foundation of this alleged charge against my client, the whole of that paper has not been read to you the part of the defence, but has been *kept back*. Mr. Pigott read particular passages in that paper. I call your lordship's attention to what shews a good deal of skill in this matter, for a justification of this transaction is put by Mr. Pigott, on grounds to which, when we come to the document, I shall call your particular attention.

"The Rev. Mr. Gayer has not been able to escape our *clutches*"—how gloats over his victim—"and, sick as it appears he is, we bring him back Kerry to punish him here also for the *lie*, provided the sickness with which he is already visited, as if by a superior power, will permit him to re-visit his former seat of his fanaticism and fraud." What think you, gentlemen of the jury, of the man who would talk of the illness of my client in such language, in such a spirit as this miserable scribbler has indulged in? Gentlemen of the jury, the individual who was the victim of this double-distilled malignity, his wife—had children—had friends. What think you of the heart of the man who in observing on the affliction with which it pleased God to visit my reverend client, would speak of that illness, which might have left a wife a widow, and children fatherless, in such language as that in which this writer seems delighted to indulge? I do not wish to use strong words. I doubt if the vocabulary of any language could supply words sufficiently strong to indicate this utter heartlessness—this total absence of every feeling which marks the man who should characterize the gentleman.—[Counsel here again read the sentence ending with fanaticism and fraud."] Now, whatever we may think of the scholar who indited this, there can be no question but that no one on earth can defend the man who is capable of using such expressions. I defy any man to do it. Therefore, it was most prudent that the innuendoes in this case were admitted by Mr. Pigott. Oh! my learned friend did not like to let this foul matter again distilled into your ears. Now comes the document which is the foundation of those proceedings.

"DINGLE MISSION—REV. CHARLES GAYER.—Considerable sensation was created in Belfast by a report that this eminent clergyman was suddenly visited with dangerous illness. A meeting, which was summoned for twelve o'clock on Monday, at the Commercial Buildings, was attended by a respectable assembly, anxious to hear, from the mouth of Mr. Gayer an account of the singular facts connected with the conversion of eight HUNDRED Roman Catholics, together with that of the Rev. D. L. Brasbie, &c., in that remote part of Ireland."

"With *that* of the Rev. D. L. Brasbie." Now that phrase has been the foundation of a vast portion of my learned friend, Mr. Pigott's address, and of the case which he endeavoured to make for the defendant. I contend, and common sense must admit—that what he was anxious to communicate was, several facts connected with the conversion of 800 Roman Catholics, and *also* facts connected with the conversion of Mr. Brasbie—not that 800 with Mr. Brasbie were once converted. There is not one sentence to show that it was endeavoured to be represented by that announcement in the paper, or by any fact stated at that meeting, to identify as simultaneous those conversions from one religion to another. A man who *affects* to be a literary man—who assumes the editor's office, ought to attend to words—ought to reflect upon those words, to clearly *understand* them, before he ushers into the world, with all the venom of a prejudiced mind can feel, one of the foulest slanders ever laid before a jury. I ask you whether there can be a reasonable impression on any rational informed mind, but that there was to have been a statement of facts, connected with the going over of 800 Roman Catholics, and, *also*, with the going over of Mr. Brasbie. It is a most remarkable thing, that, though they had in the court before them a paper, with that beautiful document, the circulation of which was proved before as read by Mr. McIlwaine—it is strange that those gentlemen have not given

the whole account of that meeting—what it was Mr. M'Ilwaine said—(and we were perfectly ignorant of the course they intended to take in the defence).

Mr. Pigott—The document was yours, and was produced by you, and not by us, in evidence.

Mr. Freeman—Not one question, gentlemen of the jury, was put to Mr. M'Ilwaine, as to whether it was stated that Mr. Brasbie, with 800 Roman Catholics, had gone over together from the Church of Rome. Why did they not ask that question? Gentlemen of the jury, they *dared* not—they were afraid of the reply. Had they the paper? If they had, why not produce it? It was asked for and objected to; even the paper we had was objected to. But I address twelve men, men of some shrewdness, and I ask them, why was not this course adopted? Because the statement would shew the *lie* was not with Mr. Gayer, wherever else it rested. This is the whole foundation, according to my learned friend, Mr. Pigott, of the series of slanders on my client. There is, however, in that, one passage to which I particularly draw your attention. Mr. Freeman then proceeded to read that portion of the following extract—which we give in this place together for the purpose of expedition which refers to Mr. M'Ilwaine.

“Among the clergymen present was Rev. Dr. Drew, Rev. Messrs. M'Ilwaine, Bland, Richard Oulton, Wrixon, Allen, T. Campbell (Trinity), J. S. B. Monsell, A. Oulton, W. Campbell, (St. Matthew's), M'Donagh, &c. The cause of Mr. Gayer's absence having been stated by Rev. William M'Ilwaine, the Rev. Dr. Drew was called to the chair. The meeting was opened with prayer by the Rev. R. Oulton. The chairman addressed the meeting on the subject which had called them together; he stated, that although all alarming symptoms had providentially entirely disappeared, under the treatment of Dr. Purdon, yet that Mr. Gayer was enjoined not to leave his room; that it was the opinion of friends, that the meeting then met should not dissolve without hearing some statements which Mr. M'Ilwaine was prepared to make, as he had heard them from Mr. Gayer. The Rev. Mr. M'Ilwaine then entered into many highly interesting details connected with the Dingle Mission, and read many letters illustrative of its progress. He produced several curious appendages which once belonged to the converts, consisting of a *stole*, *scapulars*, and *badges of the order of St. Joseph*, &c. He also read passages from various books explanatory of these; he also produced a singular and most inflammatory poetical composition, which was sung through the *Dingle district*, as a reproach against the converts. The letters of the Rev. D. Brasbie were warmly received, and appeared to be the production of a conscientious Christian, and highly educated scholar. A resolution was moved by Rev. Theophilus Campbell, and seconded by Rev. W. Bland, expressive of sympathy to Mr. Gayer's indisposition, and of determining to give support to the Dingle Mission. The meeting concluded with the doxology, and the blessing was pronounced by the chairman. A collection, amounting to upwards of £17, was made at the door.”

“He also produced”—mark gentlemen of the jury—“a most inflammatory poetical composition, which was sung through the *Dingle district* as a reproach against the converts.” Gentlemen of the jury, this very passage quoted by the editor of the *Examiner*, shows that he knew well that the *Dingle district* and the town of Dingle were different terms. The porcupine commences again

“It would appear from the above article that the fate of Ananias had nearly overtaken Mr. Gayer—he meditated a *lie*, and before he had time to utter it he was struck down. Gayer intended one, and he fell sick. This is the difference between them.”

Here is an allusion to Scripture—using the word of peace, and charity, and good will, and affection to one another—that Word which inculcates the principles of doing unto others as you would they should do unto you—that is the Word to which this slanderer appeals! What, let me ask you, is that fact of Scripture history which this writer wrests to his foul purpose? Amongst the early converts to Christianity, all gave up their goods to follow the religion of Christ. Ananias *said* he did, and he did *not*, and was—struck dead for the lie. His wife Saphira reiterated the lie and she also was struck dead. That is the passage in which a Christian Minister of God, who is conscientiously en-



gaged in pursuit of his sacred profession and religion, in the discharge of to him more solemn and more serious than any consideration which this can present—this is the passage, I say, in which my client is compared to a man who, in the presence of those who were themselves converts to Christ in its original foundation—compared to that liar, that base liar, who endeavored to deceive his God! Presented in this view, my client is held up as a man who is deceiving God, and, in consequence, though he had not perpetrated the act, except through the agency of another, he is struck sick, as Ananias and Sapphira were, and dead. Let me ask you if any individual, who ever read Scripture with the intention of extracting from its pure and beautiful morality, could have got into his mind such a base, such a foul, such a disgusting application of that solemn passage? I do not know how your minds are constructed, or what your consciences may tell you; but suppose that any of you—I do not care for your opinions may be—suppose you are stated to be in the eyes of the people—in the eyes of the excited and inflamed population where you may live, you are the especial object of the indignation of God on account of a foul deed, what would be your feelings? Let me continue my extracts:—

“Now, in proof of the falsehood of the contemplated assertion that there were persons converted from the Catholic Faith, we have only to refer to the letter of the most seemingly besotted in intellect of the entire gang, ‘Herbert J. Clifford, I. R. N.,’ published in the *Examiner* of Tuesday last.”

It is not to scatter ambiguous voices that this gentleman wields the editorial wand. He points to each. He casts his brands right and left, and plunges his dagger into the reputation of every man who comes within his reach. Poor Clifford is thrown into this “gang,” as this miserable scribe is pleased to call them.

“In that letter the canting Lieutenant tells us, in a boasting parenthesis, that the number of ‘converts’ is 250!”

The fact is so: Dingle has 250, and there are, it has been proved, 800 in the whole district. It was attempted in this matter to show that there was a contradiction between Mr. Gayer and Mr. Clifford, when no such contradiction existed.

“Yet Mr. Clifford is a better authority on this point than he would be as to the interpretation of a difficult text of Scripture—for let us tell him *en passant* that we have the authority of the same sacred volume for stating, that in the Scriptures are things difficult to be understood, and which the unlearned and the unstable will bring to their own destruction.”

Byrne would seem very learned in religion—a profound controversialist; but it is evident he has read Scripture with such little effect as to make it the instrument of carrying out that bad spirit which every line of this publicist indicates.

“Let Mr. Clifford and the rest of the proud, presumptuous cluster of mere fanatics ponder on those words, and learn humility and docile submission to the authority of the Church, which alone has the privilege of being infallible.”

Here he says "in *Dingle*," when the former part of the document shows that the "*district*" of Dingle was that which was stated.

"This of course, was eagerly swallowed by all the rest of the 'righteous rats' in that quarter of our island, as one of the best things that occurred for a long time—one of the most useful for their purpose, and the most *apropos* to stir up the old women of the North to renewed acts of *righteousness* in behalf of the sinking funds of the 'Home Mission' Humbug. How long will those delusions be permitted to continue? How long will such impostors be allowed, under the assumed title of "*Reverend*," to poison the purest springs of the human heart, by taking advantage of the weakness of the unsuspecting, and making the God of their Avarice appear to the half-blinded vision of their to-be-pitied dupes as the True God of Heaven, to whose honour solely all their zeal, all their activity is directed, in whose honour all their immeasurable lies are uttered?—We have not space to proceed farther."

Those "righteous rats"—classical Mr. Byrne! and no less classical than Christian—having no idea of God or sense of duty towards God, but setting up the God of their avarice, and making that avarice not *the* God but *their* God—carrying out the imputation of "fraud" with which the article commenced. This is the first of those precious documents. This was published on the 22nd of November, and I shall now read for you the publication of the 26th. It is headed in large letters, "*The Dingle Mission—An Itinerant Impostor*." This is also admitted by my learned friend, Mr. Pigott, to mean the plaintiff in this suit.

"We denounced in strong terms on Friday last, the abominable system of LYING by which the *Rev.* Mr. Gayer is endeavouring to sustain his disreputable career in the districts of Ventry and Dingle."

Here again he refers to the *districts* of Ventry and Dingle. He does not appear to say that this work is confined to the *town* of Dingle, for he uses the words "Ventry and Dingle." This is only in conformity with the *inuendo* which says, "meaning by those words the parishes of Ventry, Dingle, and the district in the immediate neighbourhood thereof." "We denounced on Friday!" This is the gentleman who, in his apology, tells you he throws off his articles on the impulse of the moment, and never sees them again till he reads them in print. Yet, on Tuesday, four days after the abominable libel which I have read was inserted, and when his blood might have been supposed to cool down, and the heat of his mercurial disposition could have abated, he deliberately pens this filthy effusion—

"His indeed is a course of life, in which all respect for truth and decency seems to be studiously sacrificed, for the sake of the daily sustenance which his animal wants require."

Now, Gentlemen of the Jury, let me ask you, if, in the whole course of your experience, you have ever read or heard a more insulting, a more false, a more base imputation, than that my client is engaged in this career for the purpose of supplying his "animal wants"—of supplying his own personal "animal wants"—and that it is for that purpose he is engaged in this disreputable career of lying? That I think is a libel, if I understand what a libel is, and I have little doubt, what your feelings must be when such an imputation is cast on a clergyman, on a benevolent man, against whom no one ever dared to raise the voice of slander, until this gentleman, in his editorial capacity, thought proper to do so.

"The Scriptures in the hand, and the tongue heavily encumbered with LIES, earnestly enforcing the observance of the one, and as earnestly propagating the other!! And oh! to think what vile uses these same Holy Scriptures, this awful *Volume of the Mandates*, the Instructions, the Threats, the Mercies of the MOST HIGH is turned by the remorseless villains who thumb over its sacred pages for the most diabolical of purposes, and

"Like the Bees of Trebizond,  
Which from the sunniest flowers that glad  
With their pure smiles the garden round,  
Draw venom forth that drives men mad."

Here is poetry, and for what a purpose! It is the allegation that instead of drawing life, instead of drawing wisdom, instead of drawing truth from Scripture, from the mandates, the threats, the promises, and the advice of God, he extracts venom—

"Like the bees of Trebizond,"—

That from those that were the "sunniest flowers," he extracts poison which drives men mad. Gentlemen, unquestionably from whatever source gentlemen has imbibed it, he has extracted venom enough, like an animal not industrious, nor so useful as the bee, but with something of its habits and mode of attack. He has extracted this bitterness, venom, and poison, and so reckless his temper, so desperate his purpose, so determined the malignity of his mind that rather than not gratify that vengeance, that hate, he would sacrifice life by the wound he inflicts, and like them—

"Animamque in vulnere ponunt."

He puts his very soul, his life, in the wound he inflicts—in the blow he strikes, and the injury he attempts to commit. This is an extract from a poem, and applied to Mr. Gayer, and the gentleman with whom is engaged in an honest and conscientious course, and this is the charge he makes against him—turning the Word of God into poison, for the purpose of carrying out his own selfish purposes. Gentlemen of the Jury, your minds must be differently constructed from mine, different from what we believe them to be, if such a charge does not awake in you those feelings of indignation, which the sense of insult and unmerited wrong creates in every generous bosom.

"Only think of a self-styled Minister of Heaven who would fain persuade the devil among mankind that he has his charter from the God of Truth, travelling from town to town, crossing over seas from the cities of one kingdom to those of another, boldly and daringly attempting, with but too much success, to impose on the credulous and the simplicity, or rather we should say, asinine stupidity of his hearers, and to claim as a fact that which had no existence but in the inventive wickedness of his perverse mind."

Not merely a lie,—but a lie invented, and invented in the wickedness of our own mind. Let me ask you is *that* libel? If used to any of yourselves, what would you say? "We followed this Gayer to Belfast, and detected him in a LIE." Here is a repetition on the 26th, of the falsehood stated on the 2d. Is not this evidence to you of deliberate malice? Mr. Pigott said that you must be satisfied of malice. You must, but I tell you that libel on another implies malice. The party must negative the existence of malice, and must prove the absence of it.

"Sickness prevented him from being the immediate utterer of it, but it appeared as if being disabled himself, he was at no loss among willing abettors of falsehood to procure a deputy to appear before a crowded assembly, and in his name conjunctively with one of the fathers of falsehoods, to assert that EIGHT HUNDRED CONVERTS from the Church of Rome had become his disciples in Dingle!"

Eight hundred converts in Dingle! Why the thing was never asserted. Here he connects my client, and the gentlemen on that occasion forwarding the same purposes. He connects them to show that all those individuals who were engaged in a lie, the wilful abettors of falsehood, in connection with the fathers of falsehoods, the spirit of darkness, the source of evil.

"We think we sufficiently exposed the infamous mendacity of this assertion in our last—we sent a number of the *Examiner*, of Tuesday, to a Belfast paper to counteract as far as possible, the mischievous efforts of this man's unscrupulous conduct—conduct of a desperate and daring hypocrite."

It has been said that this paper has little circulation. Here, by his own admission, he was determined that its slanders, and its untruths should be circulated. He gives it a circulation, affecting not only Mr. Gayer, but Mr. McIlwaine. He sends his miserable broad-sheet down to his country, that a double purpose of injury might be affected. He does not stop here. He goes on—

"Well, we have now caught him in Edinburgh, as will be seen from the following advertisements, taken from an Edinburgh paper of the 16th instant:—

DINGLE COLONY, COUNTY OF KERRY.

"There will be a MEETING held (God willing) in Gibb's Royal Hotel, Princes-street, on MONDAY NEXT, THE 18TH INST., at Two o'clock, when the Rev. CHARLES GAYER, of Dingle, will detail the Work of REFORMATION in that district, where a Roman Catholic Priest and Eight Hundred Persons, have left the Church of Rome. The Christian Public are respectfully invited to attend."

Here again you have the word "*district*" used, and not the *town* of Dingle, on which the defendant has so much relied, "where a Roman Catholic priest left the church of Rome." He has it in his very advertisement, that he left the Church of Rome in that "*district*." He could not conceive the observation had reference to the town and parish of Dingle. On the face of this document is shewn the falsehood, the atrocious falsehood, of the assertion put forward, first, by the attempt at apology; secondly, by the course of counsel; and, thirdly, by various parts of the evidence, he has attempted to produce.

"If this *gay* propounder of the sacred word was too sick in Belfast to open his mouth to tell about the Priest and the Eight Hundred, it seems that in Edinburgh he made atonement for his silence before his Northern auditory in Ireland. The addition of a Priest to the number was no trifle—it was forgotten in Ireland, but the cunning imbibed in a Scotch atmosphere inspired the Irish fabricator of *pious* lies to improve his invention by making it appear, that on one fine morning a Priest and Eight Hundred Catholics marched in a body, beyond the jurisdiction of the "Popish Priests," and took up their abode with the Soup-bloated Tribe encamped within the precincts of the Dingle colony of traitors to their FAITH, their SOULS and their MAKER. What a system of delusion! what a system of infamy that can be supported by no other props than those which calumny, falsehood, hypocrisy, and the most unmitigated devilment in all its varied forms can supply."

Where this gentleman derived his calendar which supplied those various terms, where he got his vocabulary, I can't conceive, "infamy," "imposture," "falsehood," "hypocrisy," "lying," "villany," and "fraud." I defy any man, no matter to what part of the world he may go—I defy him to search in the purlieu of the basest part of society, and find language more foul, more disgusting, than has been used by this gentleman in his editorial capacity.

"We trust our Northern neighbours, both Irish and Scotch, will open their eyes to this crying delusion, that they will pause before they fulfil their promises of support. We trust our Edinburgh Contemporaries will believe us when we thus publicly declare, that GAYER's statements are founded on the grossest delusion, and on the most barefaced, infamous falsehoods, and that if in their honest simplicity they have given credence and support to this itinerant propagator of lies—his only trade and calling—they will take immediate steps, on the perusal of this article, to exhibit him in his real character, and save his dupes from the crime of being accessaries to the maintenance of this dangerous man in the awful course of iniquity he has publicly entered on for his own selfish ends, and to the ruin of many."

When you read his apology by-and-bye, I wish you to keep these words in your recollection.

"Such is the use to which the Bible is converted in Ireland by the fanatical mercenary advocates of its indiscriminate circulation."

Now, before I state to you the persevering reiteration of those slanders during a long course of publication, you will excuse me for saying, that no man in his senses can for a moment suppose that it was merely the discharge of his editorial duty that instigated writing of such a character as I have read to you. The subject to be discussed was one of all others in which mutual forbearance, truth, candour, and an anxious wish to develope that truth, should in every line be evinced. It is not by violent imputations, by coarse and strong language, by the use of undeserved slander, that any party is to be turned from the ways of error. It is by the calm voice of reason—it is by an appeal

to those authorities which both respect—it is by discussion carried on in a spirit of amity, an anxiety to come to the truth, that those who engage in such discussions should indite their productions. But, gentlemen, abuse, censure, and unwarranted slander and libel, were never the way of taking any one from his course of error. It is not by boisterous violence, but by the use of the gentle influence of persuasion and of reason—appealing to the common authorities—that the errors of either party should be exposed. The fable of the struggle between the wind and the sun perfectly indicates the effect of the two opposite courses. The wind blew with all its violence, and the clothing of the traveller was wrapped more closely about him. The sun shone out, and as it beamed forth, the garments opened, and the individual's heart yielded to its genial and heavenly influence. Such should be the course in religious matters. The heart naturally closes itself against the breath of violence, while it expands and opens up its sympathies to the sunny influence of gentleness and candour. It is true, and I am sorry for it, that differences exist—and scarce any class in the world can long continue without differences of opinion on most subjects—unfortunate differences exist on one of the most important matters which can engage the attention of man. Yet there are also points of union which should bring them to one common feeling of regard towards each other. They worship the same God—they admit the same doctrine—they recognize the same authority—they approach the same temple—they enter the same portal—they may rise to the same summit by different stair-cases; yet they look forward to the same ultimate goal of hope. Therefore, it is not in this spirit of anger that controversies on the all-important subject of religion should be conducted. Gentlemen of the Jury, it is not your duty to pronounce which party is right, or which party is wrong. What I complain of—admitting for the sake of argument that my client was wrong—is, that this was not the mode in which he should be corrected; therefore, I state to you, with the utmost confidence, that the appeal which my client now makes, with perfect confidence, and without regard to your religious persuasion, will be responded to. You, as honest men, giving to an honest and an injured man the reparation to which he is entitled. I am not inclined, gentlemen of the jury, to refuse to any man the opportunity which the law now, and good feeling at any time, gives to the party who has committed an injury of atoning for that injury by a speedy and full apology. I know nothing nobler in the human disposition than, while it feels—what a man must be a *worm* not to feel—the value of a character, than, I say to come forward and atone for the injury by a speedy and ample apology. On the other hand, the party who has injured comes forward with a speedy and ample apology, say that you should receive it, and that however great your sufferings, you should open your heart to the man who comes again to enter it. I shall not take up the documents, and I think it most convenient to adopt a chronological order, as by that means your minds may come more clearly to the subject. The first document which follows, is the 17th of December, nearly a month after the publication of the 26th of November, which is the last of the pleadings. It begins with the words "*Impious Perverts in Dingle*," so that you will find that this has reference to the heading of the libel of the 22d.

"Strange to say, yet such is the fact, that deeds of the most thrilling blasphemy and impiety, perpetrated by those foul and abandoned wretches that constitute the boast and glory of the Rev. Messrs GAYER and MORIARTY as the fruits of their pious labour, the living monuments of their zeal in the cause of the perdition of souls, should find defenders, abettors and apologists among the ranks of men called Protestants and Christians. Now, gentlemen, here it is said that the "boast and glory" of the Rev. Messrs Gayer and Moriarty are in "deeds of the most thrilling blasphemy, perpetrated by foul and abandoned wretches." Let me ask you is that a libel?

"It does not follow that because some persons *will not* believe in the doctrine of Christianity as propounded and taught by a Church whose acknowledged antiquity

least gives it a claim to be considered as the first repository of Gospel Truth, and therefore the more likely to be the Church in which that Truth has been perpetuated according to the promises of the GOD OF TRUTH—it does not, we say, follow that because people will be found to differ from the doctrines of such a Church, its most sacred and venerable institutes, its most holy practices and observances, are to be made the subjects of impious scorn and blasphemous ridicule, and the unfortunate mockers treated, in the columns of a Protestant Journal, as men who acted harmlessly and conducted themselves like brave worthy fellows.—It appears by the letter of '*Testis Verus*,' which we this day publish, that some of those deluded infamous miscreants, the protégés of the Irish Society, beset the shop-doors of the Catholic shop keepers in Dingle at night, and called out to give them 'a farthing's worth of Sacrament'—a shudder comes over us as we write the words—and conduct like this is, if not openly and directly defended, so slurred over and misrepresented, as in fact, to amount, not alone to a defence, but to a warm approval of the blasphemy and the blasphemers. These are the boasted converts from the Church of Rome! And yet, after all, what boast is the acquisition to any church, of ruffians without a conscience to scruple any deed of infamy that may augment their importance in the eyes of their proselytising patrons—without principle, without faith—without religion of any description—without hope in the next world—the soup-pot, their only hope in this world. In the depth of its fat contents are buried their Faith, their Hope, their Charity. With each draught of the greasy liquor, they gulph down their religion—their hopes—their creed of infamy and crime."

Gulp down their religion—their hopes—their creed of infamy and crime!—as if the consciences of those men were not entitled to as much protection as your own. This is quite in keeping, not alone with the previous libels, but with the spirit which they have engendered.

"Keep them, MORIARTY, GAYER, and the rest of the gang of itinerant liars—keep them, cherish them—they are worthy of you and you of them."

Can language exceed this? Can imputation be more painful—more insulting to a gentleman—a clergyman—a minister of God?

"But behold in the following enumeration the bright cluster we can proudly point to, called by the most secret voice of the Most High to fill in the Church of Rome the place from which so many petty Lucifers have been hurled, and then say what has 'Rome' lost by the Brasbie's and the whole of the 'eight hundred' that went over to the flesh pots in diligent search of their own perdition."

Gracious heaven! here is a man who writes in *haste*!—who has not an opportunity of seeing what he writes, and, gentlemen of the jury, makes *that* his apology. I must present to you what the charges are before you can understand the jesuitical—the aggravated insult of the apology itself. I call your attention to this fact that on the 2d of January the writ was issued, and on the 7th it was served on the *defendant himself personally*. Keep that in mind, for the paper which I am now going to read is the *Kerry Examiner* of the 10th of January, three days after the writ was served. The article is headed "*Parson Gayer and the Soupers versus The Kerry Examiner*." The learned counsel here went on to quote and comment upon the several articles in proof that actual and deliberate malice existed in the mind of the editor of the *Kerry Examiner*, when writing the articles of the 22nd and 26th, and which, he contended, in many places had palpable reference to the original libel. The following is the article of the 10th of January:—

"We have been served with a writ from the Court of Exchequer, at the suit of the Rev. Charles Gayer!—holy, meek and patient man—who it appears can no longer tamely endure the melancholy sight of revolt, mutiny, and desertion in the camp of his soup-fattened followers, but with much wailing and gnashing of teeth turns round in foaming indignation on the *KERRY EXAMINER*, and in his impotent rage, seeks vengeance on our devoted head, by way of satisfaction for his discomfiture and disappointment. Poor man! there should be great allowance made for the frothy ebullitions and the sudden gusts of rage that accompany the departure of hope and the approach of despair. While the 'colony' prospered, while its inmates shewed signs of being proof against the assaults of 'Romish' pens and a 'Romish' press—while the old gulls in petticoats, and the old gulls in pantaloons, continued with a bountiful hand to pour the

good things of this life into the midst of the pious crew, to the huge satisfaction of their gastronomic propensities, and much to the enhancement of the *animal* comforts of Messrs. Gayer and Moriarty—while, we say, things went on ‘swimmingly’ in the camp, and fools were found in abundance *without* to supply the flesh-pots *within*, the ‘guns’ of the EXAMINER were discharged without creating alarm, their ‘thunders’ never disturbed the saints at ‘mess,’ Gayer smiled in triumph as he looked around, chuckling with delight over his fancied security, and therefore, only now and then threatened to hurl the ‘soup-ladle’ at our head, if we did not retreat from our position. But when the outworks were at length seen to yield to the enemy’s repeated assaults, when the breach was made, and the shot flew in all directions, and his ungrateful followers, seated round the great pot, whose greasy contents they had been so long swilling, hastily rose and fled, some back to ‘Rome,’ and others beneath the Parson’s skirts for refuge, but evidently watching an opportunity to take to the ‘old road’—human patience, the patience of the saintly Gayer and Co. could go no farther—and lo! in one fitful burst of mingled rage and disappointment, they rush up to the Court of Exchequer, ‘thence’ mount the great dome of the Four Courts, and, taking steady aim, discharge through a tube, on the atmospheric principle, with a tremendous blast, a roll of parchment about twelve inches long and five inches broad, which duly reached us at the time and place intended, but without communicating the slightest shock to our nerves.”

Gentlemen of the Jury may smile. Would there be a smile if such language as this was applied to any of you? Gentlemen, this is not a subject of slight or fun. Here is a heavy distressing charge, most painful to the feelings, most injurious to the profession—to the reputation—to the character of a gentleman, a man of honour, who never was guilty of an act which could cause the slightest tinge of a blush upon his cheek.

Court—Mr. Freeman, I was guilty myself of smiling. The smile on the part of one of the jurors arose from his catching the expression of my countenance. I could not help smiling at the figure of the man being on the dome of the Four Courts (loud laughter).

Mr. Morgan M’Sweeny—Just so, my Lord.

Mr. Freeman said there was no gentleman in society for whom he entertained a higher respect than for the gentleman who smiled, Mr. M’Sweeny; and the learned counsel then continued to read the remainder of the article—

“Well, really we believe the crafty contrivers of this affair expected to frighten us. But they should have known us better. Do they expect to silence us? Vain expectation! While there is a remnant of that gross delusion, the Irish Society schemes of proselytism, existing in this country, and while we are able to wield a pen, we shall not cease to expose the *infamy, the corruption, and wickedness it covers*. As to libel, is a mystery to us in what part of our writings Mr. Gayer has discovered a ground for action—he may feel very sore, no doubt, that we do not suffer his *fanatical* doings to pass unnoticed, or the dangerous system he so zealously supports, to thrive and prosper without an effort on our part to crush it. It may be very annoying ‘to call a spade a spade,’ to give ‘a humbug’ its proper designation, and term an ‘*impostor*’ by his proper name, but that is no reason why the spade should strike us, the ‘humbug’ grin at us, the impostor wax furious and wrathful, as if he did not know himself by the appellation Folly! ‘Clean hands’ are required in a court of justice. Come, my good sir, examine yours, and then say if you are ready to encounter the scrutinizing gaze of the court, the bar, the jury, and the public. Come, and put the Irish Society on this trial—for it is it, not we, that shall be tried—submit its constitution and its practices to public opinion—unveil its abominations, and exhibit the delusion it cherishes, the discord it engenders, the calumnies, the slanders it propagates against the Catholic portion of His Majesty’s subjects—show forth its effects on the mind of its entrapped victims—their delinquency in religion, the depravity in morals it has been horribly productive of—recount the falsehoods, if not too numerous, that have fallen from time to time from the lips of its reverend and irreverend supporters—its varied schemes of imposition on the credulity of pious simpletons at either side of the British channel, to induce them to draw out their purse-strings, and transfer their purse’s contents to the coffers of itinerant traders in religious cant—produce in court your Irish Society, with all these and a great many other damning evidences of its wickedness, and then appeal to a jury for damages against the Editor of the *Kerry Examiner*, because he dared to strip the monster of the borrowed garment of innocence it assumed, and exhibit it in all its hideousness of form be

and daily befalling the Rev. gentleman and his fellow '*converts*,' Government should be applied to for a military force to be stationed in Dingle, and for the Hecate or some other war steamer to anchor in the bay, ready at a moment's call to keep the fish-women quiet in the fish-market, and when the Rev. Tom Moriarty's horse shows symptoms of *skittishness*, that soldiers and sailors might hasten to assist the Rev. gentleman in case his 'galled jade' may dislodge him from his saddle and prostrate him on mother earth. Having, by way of parenthesis, alluded to the catalogue of 'grievances' recited by this crafty arch-souper, we return to the threatening notices. At the Road Sessions, held in this town on Tuesday last, we saw a threatening notice, signed 'Swing,' served upon an officer of the court, by a gentleman who accidentally found it lying on a corner of the Bench. The awful menace was couched in the following words, referring to the Tender for the County Printing and Advertising, put in by the Proprietors of the Local Papers, who were very impatient to be allowed to withdraw :—

'CALL ON THE PRESS,  
OR —————'

(Signed)

'SWING.'

A 'skull and cross-bones' ornamented the right hand side of the nerve-shaking document. We need not say that the threat produced the desired effect—it would be a rash and perilous attempt to disobey it. Yet, strange, the presiding magistrates did not deem it necessary, on the discovery of so audacious and an illegal attempt at coercing, to denounce the redoubted 'Swing,' nor to memorial the Government to send down a reinforcement to Tralee of military and police; but, on the contrary, treated the matter as it deserved—with a hearty laugh. Now, the notices alleged to have been served on Lord Ventry and Mr. Gayer were precisely of a piece with the one we have been just alluding to; and let us tell the parties concerned, that we will scarcely believe, that the pompously horrific announcement that heads this article, and which, as we have already observed, we have borrowed from the *Kerry Post*, as far from being credited by the public, has only excited the laughter and contempt of every person we have heard speaking on the subject. For the last week rumours of such violent proceedings have been industriously circulated through this town, but every person seemed to understand the motives and the object that dictated the 'foul, scandalous, and malicious libels.' To give the country a bad name is the most effectual mode of advancing some people's interests—to slander the character of the Catholic population of Dingle, is evidently considered by the Arch-souper to be the most effectual means of replenishing the exhausted funds of the Irish Society and of all its minions—serve threatening notices, prosecute the press, write, '*hand bills*,' '*full of calm and Christian forgiveness*' as if in the spirit of the most sincere Christian resignation as became a true martyr, and then the point is gained. When a scoundrel receives the chastisement he deserves, nothing like making a *fuss* about his wounded honor, and swearing that if there is law or justice to be had he will have satisfaction. The whole family of the soupers—*once* eight hundred strong (1)—is in a regular 'fix'—in a moment of desperation to retrieve a fallen and a rotten cause, they resort to the infamous expedient of representing that part of this county, which is cursed by their presenee, as in a disturbed state—no wonder—and to forward their wicked ends, and make the farce decidedly successful, Tom Moriarty comes out with his catalogue of 'grievances' which might well be headed, 'groans and miseries of life,' as a fitting counterpart to the solemn *humbug* narrated in the 'leader' of the *Kerry Post*. What a system of iniquity! And yet to expose this system we are menaced with 'pains and penalties' when quite another reward should await us. We have reason to know that the magistrates of Dingle have set their faces against the introduction of military as wholly unnecessary. Such a proceeding would certainly be much to the taste of the 'souper' gentry, but what care the souper hypocrites and impostors for the character of a peaceful people, provided their own wicked and infamous ends are attained? They will find themselves disappointed. Pretty work indeed, Gayer, with his mock 'threatening notices,' and Moriarty with his '*skittish*' horse, would cut out for the Government and the country."

Best of all possible instructors!—beautiful preacher of peace and morality! While a large portion of the country is inflamed—while wretched creatures, such as you have seen upon that table, excited to madness, goaded to evil by such productions, are ready to sacrifice their lives for a difference of opinion, or for an imaginary wrong—this public instructor gives to the winds such a document as this—circulates it among the poor and the humble in every pot-



house in Kerry, till their minds are bewildered, their passions excited, and they are driven to mutual hate, vengeance, and ferocity. This is the person who comes here saying that he has been all through ready to make an apology! Gentlemen of the jury, what do you find in this article but a continuation of the original slander? Is it a wonder, that in a district where this *thing* was circulating, outrages should be committed—that, day after day, they should be perpetrated on individuals, harmless and unoffending, for no other offence than that their opinions did not agree with other natives of the same country, subjects of the same crown, and creatures of the same God? Before I proceed further with this document, let me revert to a short editorial notice in the *Kerry Examiner*, directing attention to the declaration, and where he speaks of it as a curious document apart from legal technicalities, which clearly shows that he read the whole declaration. He not only re-publishes the original slander but he directs public attention to it, and takes three days after to make an apology. Gentlemen of the jury, with this state of facts, with these repeated slanders, the counsel for the defendant states to you, in point of fact, “we did very wrong in publishing this.” His counsel met in Dublin, and you can easily suppose what occurred. They are lawyers and gentlemen, and they naturally say, “It is impossible to resist this case of libel; it is too atrocious. We will now direct a course of proceeding which will have the effect of giving us the benefit of a statute recently passed, by making a show of contrition, effect the purpose of reducing the amount of damages.” [Here Mr. Freeman read the letter of apology of the 5th of January last, already read by Mr. Pigott.] Gentlemen of the jury, is this contrition? It is the contrition of counsel—the wisdom of counsel—the advice of counsel. They could not defend the base, the malignant slander, and you may rest assured, that Mr. Byrne himself had not anything to do with suggesting the course which was adopted. I shall now call your attention to the apology which was published in the shape of an editorial article. [The learned counsel then read the article of apology, given in Mr. Pigott’s speech.] It appears that the mind of the editor continued in a state of fermentation for an exceedingly long time. The last of these libels was published on the 28th of November, and this article is inserted in the publication of the 4th of February. For the whole of that time it appears the cooling process had not set in—the violent mercurial heat of his temperament continues unabated—and during the whole time which intervened between the 26th of November and the 4th of February, we find him working under the influence of irritation. This is a very queer notion of a speedy apology—of an apology made at the earliest opportunity. The slanders are repeated week after week, in the same spirit of hostility and malignity. Do you not believe that he states what is untrue when he states that he has made an apology in proper time? Do you believe that the person who charged Mr. Gayer with *lying* is free from suspicion on that ground himself? He says, “in justice to ourselves—.” He does not consider the character of Mr. Gayer, the man who he stated was pursuing a disreputable career for the purpose of feeding his “animal wants;” he only thinks of justifying the foul libel which he penned on the previous occasion. “In justice to ourselves we think it right to state that those articles were written under strong feelings of excitement.” What a wonderful excitable temperament this man must have, when upwards of two months elapsed before the cooling process set in! He says, that the article was written “in reference to certain proceedings reported in the *Belfast Chronicle*.” Mr. Freeman then proceeded again to read a portion of the article. Gentlemen, would it not be just to have laid before you all that was said and done at that meeting in Belfast? No; the learned counsel for the defence studiously kept back any of the evidence. In the discharge of his editorial functions, forsooth, the defendant thinks it his duty to call a humane man, a good man, and, above all, a cle-

n "impostor," a "liar," a "hypocritical dealer in cant," and a perpetrator of "fraud" and "impiety." The article goes on to say:—

then asserted, and still persevere in asserting, that the statements, attributed to Mr. Gayer, on that occasion, as regards the number of those in the *county*, who severed from the Catholic religion were much exaggerated."

gentlemen of the jury, the very tenor of this article, *called* an apology, shew that the writer well knew that the Rev. Mr. Gayer never stated there were eight hundred converts in the *town* of Dingle; for he does not confine his contradiction of Mr. Gayer's statement to the number of converts even in the district of Dingle; he says, as regards the number of converts in this *county*. This clearly shews that the former libellous articles were written with reference to the number of converts in the town of Dingle, as Mr. Gayer would now have you to believe. He did not believe that Mr. Gayer ever made the statement he did with reference to the town of Dingle, and, must, before I have done, to show that we have conclusive evidence of the truth from his own witnesses. He says, in this article, that he "could not in any personal feeling to Mr. Gayer." Who cares whether he does or does not? If he is made the pen of others, and the medium through which the malignity of their malignity reaches a benevolent and humane individual—if that individual has suffered from the slander, shall not punishment be visited on the perpetrator of such unfeeling calumny—of this deep, this false, this foul, and damnable libel. The whole thing is a personal attack; there is not a single argument contained in it from beginning to end—not a single reasoning; but it is couched in the strongest and most malignant terms that the pen of the writer could convey. The learned gentleman then read the following part of the article:—

as simply with his statements we found fault; and when the mind feels warmly about the subject, it is very difficult to avoid applying to persons, the strong terms which, in speaking, only belong to, and were intended for the subject."

men of the jury, it may be difficult to his mind, but I am sure it would be to your minds, to reason with another without calling opprobrious names and having recourse to the language of Billingsgate, and to such gross abuse as is disgusting to the members of all persuasions and disreputable to the people of Ireland. But to go on with the so-called article of apology:—

known to many that we never read an article of ours, until we read it in print, ten days after it was written, and therefore we are deprived of the opportunity of amending it, may consider faulty, or of softening down, what may be considered harsh and unbecoming. We fling off our thoughts under the warm influence of the moment, and are not to be wondered at, if, sometimes, we wound when we never intend it. Inseparable from our position, and were people to reflect on it, prosecutions of this kind would be less frequent than they unhappily are."

an apology, gentlemen of the jury!—*there* is an excuse for all the slander of two months!

"Scatter, arrows, swords, and death;  
And then cry, am I not in sport?"

he flung off his thoughts under the warm influence of the moment! Genuine and of Irish enthusiasm! Warm hearted Irishman! How very consistent he is for *himself*! He says, "good Mr. Gayer," consider my warm heart, I write against time; therefore let me call you a "hypocrite"—does it not?—let me call you, who are a Minister of God, an "impostor"—let me call you "a dealer in falsehood and fraud," and take no notice of it; write against time!

Mr. Gayer made a statement to which we felt it our duty to give the most unqualified refutation, feeling by that statement a stranger would be led to think, that a priest, and a number of persons, amounting to eight hundred, withdrew simultaneously from

the communion of the Catholic church, in the parishes of Dingle and Ventry. We also firmly denied that the number of converts in that quarter amounted to anything like eight hundred, as on the published authority of Lieutenant Clifford of the Coast Guards, one of the most active of the proselytism party, it appeared that the number of converts was two hundred and fifty."

Here is a re-assertion of the original slander. Is this a full and ample apology? You will find again that his observations are not confined to the town of Dingle, as he mentions the parishes of Dingle and Ventry. This is the article of apology, which bears such marks as would lead us to think more likely to have been composed in the chamber of a counsel than in the study—or whatever he calls it—of a public journalist. He wants to fasten on Mr. Gayer a statement that eight hundred persons, with a Roman Catholic priest, withdrew from the Church of Rome in the town of Dingle (a thing that was never asserted), and to make that statement appear in contradiction to that of Mr. Clifford. Mr. Gayer's allegation was, that eight hundred persons embraced the Protestant faith in the district of Dingle, Ventry, Dunurlin, Dunquin, and Kilmacheader; and Mr. Clifford's statement was, that two hundred and fifty persons conformed to the same faith in the town of Dingle; and neither affirmed that there had been a simultaneous reformation. Both those allegations were perfectly true, and yet this slanderous writer, for the purpose of getting up a libel against Mr. Gayer, turns to the statement made by Lieutenant Clifford, and pretends to think that one is a contradiction of the other.

Mr. Palmer, one of the jury, here stated he was not well, and requested to be allowed to withdraw for a time.

His Lordship granted permission, and Mr. Palmer retired.

Mr. Palmer having returned.

Mr. Freeman proceeded—Gentlemen of the jury, the article was published on the 4th of February. On the 7th of January the defendant was served with the writ, the import of which he says he was not acquainted with. Why did he not insert an apology when he was served with the writ? Neither his attorney, or himself, gave any apology for the offensive articles previously written. The law enabled him to plead an apology, if it was a full one, and why did he not give that defence in answer to the writ? No; he continues to deal in low invective, and bitter imputations, and gross calumnies. "We have felt it our duty," he says, "in justice to ourselves and Mr. Gayer, to give this explanation." What explanation, let me ask, is either contained or implied in that article?—"and we are ready to assert any other consistent with truth, which he or his counsel will require, feeling confident that we will not be required to insert anything inconsistent with the independence of this journal, or the honor of its proprietor." Mark the jesuitical tenor of this so-called apology. He first states Mr. Gayer falsely represented the number of converts in the district of Dingle; he finds out that Mr. Gayer never did so, and yet he never retracts the charge of falsehood which he knew he had previously made without any foundation. "Inconsistent with the independence of this journal!" The meaning of that is, that he was afraid to make an apology lest it should be injurious to the circulation of his paper. He knew that he had been guilty of a calumny, and yet he never had the honour, the manliness, or the gentlemanly feeling to come forward with such an apology as would heal the deep and poisonous wound which he had inflicted. The result was, that Mr. Gayer, advised by counsel, determined to come before a jury of this county, in order to vindicate his character from the foul aspersions. Before he did so; however, some communication passed between the agents of both parties, which has been already referred to, but to which I think it necessary again to call your attention. [Here the learned counsel read the first letter of the plaintiff's agents to the defendant's agents, as was published in Mr. Pigott's speech, and also the form of apology sent in that letter, which Mr. Gayer offered to accept, if signed by the defendant, and inserted in the *Dublin Echo*.

*ing Mail, Dublin Evening Post, and Freeman's Journal.*] Now, gentlemen of the jury, could anything be more fair, more reasonable, than the terms of that proposed apology. Insulting as was the libel, great as was the injury, and deep as was the wound, yet Mr. Gayer said, "Let my character stand acquitted before the public, by your retracting the libellous charges, and then I will accept your apology and require no damages; for I am satisfied if my reputation be set right before the world." Yes, gentlemen, we offered to take their apology, even after the defendant had put in his plea—after he had pleaded the general issue. Gentlemen of the jury, if the defendant was a man of honour, would he not have immediately signed that apology? If he was sincere in any of the statements contained in his article, purporting to be an apology, was not this the time, the opportunity—even after the law expenses were incurred—to make reparation for his unjust and undeserved slander? No, gentlemen of the jury, he shrinks from that honourable, straight forward course, and makes a mean and shabby attempt at an apology, the reading of which will clearly show that it originated, not in a wish to do justice to the reputation of Mr. Gayer, but to save his own pocket. He has failed to prove any of the allegations which he put in his pleadings, and no one can mistake that the object of that article of apology was the saving of his own purse. Yes, gentlemen of the jury, though impressed with a sense of his unjust imputations, he cowardly seeks, under the guise of an apology, protection from the consequences of his criminal acts. Gentlemen, instead of this hypocritical attempt, he should have inserted such an apology as he knew would be satisfactory to the feelings of the unoffending individual he had assailed. To be sure, he made the show of regret when the action was brought on, and when he knew that an honest jury of the County of Kerry would give considerable damages, he trembled for the result. When a proper apology is tendered, he refused it, though it did not contain one word inconsistent with the honour of a gentleman, though it might with the *interest* of a journalist. [The learned counsel then read the second letter of Messrs. Battersby and Carroll to the defendant's agent, dated the 21st of February, 1845.] There is an intimation that a further apology would be accepted. There is a fair and just offer. Gentlemen, thus stands the case of the apology. You find, that to the last, Mr. Gayer's legal adviser was ready to receive an apology. You cannot have the slightest difficulty in this case. You must, at once, come to the conclusion that this apology does not come within the statute. The defendant pleaded no justification at that time, and for what effect has he tendered the vast portion of evidence which we have heard, if not to reiterate insult and circulate slander? I do not know why he wanted to satisfy you as to the misrepresentation of facts in the town of Dingle. But I must say that, in the whole course of my experience—whether sitting in a judicial station or pleading at the bar—I never saw such a contrast as the witnesses for the plaintiff presented to those of the defendant. The first witness we put on the table was the Rev. Mr. Moriarty; and, gentlemen, let me call your attention to his evidence, and to the manner in which that evidence was given. You could not fail to remark the candour, the consistency, and the gentleman-like spirit of truth which prevailed in every sentence which he uttered. He knew Mr. Gayer, and spoke to—what all from beginning to end have spoken to—his indiscriminate charity. However over zealous he may seem to some in the prosecution of the doctrines of his church, he was at least indiscriminate as far as his moderate means would allow, in the discharge of the duties of Christian charity. In the affliction caused by that dreadful storm, and during three years of suffering, pain, wretchedness, and poverty which existed in that desolate region, he had but one actuating motive, that of ameliorating in a spirit of true Christian benevolence the condition of the people. Persons of all persuasions came within the region of his benevolent, warm heart—all felt the benefits of his purse, and, circumscribed as it was, those who were persecuted, those who were

refused the common necessities of life, appealed with success to the generous feelings of his noble mind. Gentlemen of the jury, he came to the district in which you now find him, eleven years ago. He found no schools or means of instruction for the poor. Mr. Moriarty's evidence shows you that he has established two school-houses in the town of Dingle, besides the many other buildings for religious purposes which he has caused to be established in that hitherto wild and neglected district. Then, without a doubt on his conscience as to the pure source of his mission, he proceeded in the work to which he thought his duty directed him. Whether he was right or wrong in the prosecution of those endeavours, I shall not undertake to determine. He will have to answer and give an account of his ministry before a higher tribunal than yours. All I shall say is, that the same spirit which prompted him to perform the duties I have already mentioned, induced him to extend his philanthropic views to the religious instruction of the poor, and the advancement of the eternal interests of those who dwelt around him. In times of danger, difficulty, and distress, we find him effecting the purposes and the objects of charity. But to speak of the grounds of the charges which are made against him. We have it proved by Mr. Moriarty, that 800 persons have embraced the Protestant faith in that district—that several of them adhered, even at the hour of their death, to the faith of their conformity—that the children of these persons were instructed in the doctrines of the Reformed Church. You find six schools established, and you find persons employed to go about, reading indiscriminately to Protestants and Roman Catholics, and you have it in evidence that the expenses of all this were paid by the subscriptions of charitable persons interested in the Dingle mission. You have evidence of violent persecution, of which instances have been detailed by several witnesses, and you have the evidence of Mr. Moriarty to the fact that he expended in Dunquin £17, which have not been since repaid. Every thing will go to show you that this was not a system of imposture, nor of cant, and that Mr. Moriarty's evidence was the truth. He underwent a cross-examination of four hours—he stated every fact within his knowledge fairly and candidly, and there was not a single individual produced to contradict one word of what he stated. Dr. Hickson came on the table, and you will recollect that a question was put to him in order to draw from him a contradiction of Mr. Moriarty's statements, but it failed. Gentlemen, Mr. Moriarty has given you evidence of facts connected with a *precious* person named Horgan, and, gentlemen, when they want to contradict Mr. Moriarty's evidence, it is that very identical Horgan whom they produce upon the table. He had a quarrel, and he was charged with committing an assault; he applied to Mr. Moriarty to defend him—Mr. Moriarty refused to do so, and he went back again to the church of which he was a member before. *This* is the person who comes forward to contradict the evidence of Mr. Moriarty. What more does that man state? Why, that his father was offered £50 for the purpose of getting him to become a convert. Is there one man in your jury-box who would believe one word of what this self-convicted liar swore? When he states that offer of £50, do you believe him? Why should Mr. Moriarty give such a high rate for this man's conversion when, according to the evidence of the unfortunate creatures produced for the defence, a promise of getting work would induce them to conform? This person was charged with a misdemeanor, and he purchased off the prosecution. Will you put this man's testimony for one moment in competition with that of Mr. Moriarty? Can you hesitate for one moment as to which you shall believe? Mr. Moriarty also proves to you that a man named Sheridan offered himself to him for purchase, and for doing so was dismissed. Why was not Sheridan produced on the part of the defendant? I believe he belongs to a better class of persons than the wretched beings who were produced on that side, and whose evidence caused a thrill of horror and sensation through this court. The evidence attempted to be given for the defence was the very line

of evidence to which Sheridan's testimony would be most applicable, but he dare not come upon the table to attempt to contradict the evidence of the Rev. Mr. Moriarty. They called him, but I rather think some parties on the side of the defence knew very well he would not answer. He belonged to a more respectable class of persons than the other witnesses—his evidence would have more weight than theirs, but he would not dare, I say, to attempt to negative the evidence of Mr. Moriarty. Mr. Moriarty not only proves that he has rejected this offer, but also hundreds of others who came forward to make offers of this nature. True it is that these benevolent gentlemen were sometimes deceived by men such as the witnesses for the defence, who by cunning and deliberate falsehood succeeded in deluding the minds of Mr. Gayer and Mr. Moriarty, under the pretence of being sincere converts to the Protestant faith; but you have it proved by the most distinct evidence that, when the fact of their having entertained corrupt and mercenary motives reached the ears of these gentlemen, they were at once expelled. Gloster proves exactly similar facts to those stated by the Rev. Mr. Moriarty. The Rev. Mr. Goodman swears that there are three hundred and sixty-four converts in the town of Dingle. You will recollect that that was below the number originally stated by that old school-master, Mara, who was produced for the defence, and who, though he said he was a classical scholar, could not give one word of Latin. That man comes forward and proves the exact statement previously proved by the witnesses for the plaintiff. We need not have gone much farther, to establish those facts, than the evidence of Mr. Moriarty, Mr. Sandiford, and Mr. Goodman, but we produced James Gloster, Daniel Sullivan, and Michael Lynch, not for the purpose of strengthening our case (for that was needless) but for the purpose of allowing the gentlemen at the opposite side to sift them, and draw from them, if possible, the slightest fact to prove the existence of a corrupt motive, or of any inducement held out to any one by Mr. Gayer, or by the gentlemen co-operating with him, save the inducement of the blessings of the Word of God. Gentlemen, Mr. Thompson was the treasurer of the funds for carrying out, the objects of the "Ventry Mission." It was through him all the money transactions passed. We would produce him, but we are prevented by that heavy misfortune which this county universally deploras, and no one more than my client. He was the person who could detail all the pecuniary circumstances of the colony; but we have by that melancholy event, unfortunately lost the advantage of this testimony. Unfortunately, gentlemen, the country lost the benefit of his presence. You have heard it proved that on several occasions, when the unhappy victims of persecution were unable to provide the means of sustenance—the necessities of life, Mr. Thompson sent his own milk to the market in order to support them, and when converts were left to starve and to perish, they were supported by the charity of such individuals as Mr. Thompson. And, gentlemen of the jury, it is now attempted, with a degree of baseness, which cannot fail to create disgust in every honourable mind, to turn every act of charity, benevolence, and kindness into a mercenary and corrupt purpose. That was what was attempted to be established by the evidence for the defence; but let me ask, why was not evidence of a more respectable class produced? Gentlemen of the jury, I am the last man who would throw imputations—nor is it the wish of my reverend client that I should throw imputations on ministers of an opposite persuasion; but I ask, would it not be satisfactory to have gentlemen of their intelligence, and their rank, produced, instead of the unfortunate beings whose perjury disgusted every one who heard their testimony. Gentlemen, of all the cases that ever yet occurred, I have never heard—and I am sure you have never heard—one of which the spirit of persecution was proved to be more desperate, and more unrelenting. We have heard of riots at wakes—we have heard of struggles and out-rages at funerals—we have heard of stones being pelted, unoffending people struck and assaulted as they passed on the high road—we have

heard terms of opprobrium and insult applied to ministers of religion—we find that those gentlemen cannot move through the country without being followed with insult and indignity. Gracious God! is this a free country? Are we to be borne down by the tyranny of any body, or the oppression of persons of any persuasion? I appeal more strongly to the Roman Catholic than to the Protestant. I call to him more impressively, to go with me than those of my own persuasion, because his is not the church by the law of the land established. I tell him that if the principle is to go abroad, that the interests of religion are to be advanced through the agency of means worse than the terrors of the inquisition—through the reckless ignorant—the brutal instruments of violence, there is an end to everything like liberty of conscience or the freedom of discussion. It is on the part of the Roman Catholics that I most strongly call for the protection of the law. If any one were to come forward to assail them in the manner in which you have heard that Protestants have been assailed, what would not be justly the cry? If, in places where Roman Catholics are in the inverse ratio of what they are in this part of the country—if in such places, I say, Roman Catholics were persecuted as we have heard the Dingle converts are in this country, what an outcry would be raised. If Roman Catholic clergymen were hooted and pelted through the Protestant districts of the north—insulted—reviled—called by indecent names so disgusting that they could not be mentioned in a court of justice, what would be the feelings of the Roman Catholics? They would say, and justly say, is this a country where discussion is allowed?—where the principles of religion have existence at all? The evidence of those several men go to detail acts of extraordinary severity and persecution against them. I shall not go through the details of each of them. Gentlemen of the jury, I have certainly heard with very much regret—and I am sure that the same feeling is entertained by you—the evidence which has been produced for the defence. It is scarcely worth occupying your attention by commenting upon the reckless disregard for the most solemn duty which the Creator imposes upon his creatures. I shall not commit such an unpardonable trespass on your time as to recapitulate that evidence, which presented such a disgusting specimen of the littleness of man, and the foul and impious means to which he will sometimes descend for the purpose of carrying out his object. But, gentlemen, can you forget the man who told you that he lied constantly—that he lied and denied his God—that it was to sell himself that he went from one religion to another, and then back again—and that, in fact, during the whole time he was a liar? *There* is the man who is brought on that table to sustain the case for the defence, because under the pretence of being a sincere convert to the Protestant faith, he received some of that bounty which persecution rendered necessary. Those are the men whose evidence you are called upon to believe. Gentlemen, when they admit themselves to be so debased, so blackened, so darkened, with every crime that can disgrace man, can you think of attaching the slightest credence to what they say? Lynch goes to Liverpool, he comes back to Dublin, and cannot tell you the names of the churches to which he went. You have heard from his own lips the story of his infamous career. He comes down to the west, and represents himself as an honest man, and, at the same time that he was covered with disgrace and degradation, he said that his religion was unchanged—in other words he denied that very God on whose word his oath was taken. He is now connected with the National School. That being, whose words excited unmingled, withering disgust in the minds of every one who heard him—he is now the instrument of the education of children—of the instruction of the rising generation! He is now a national schoolmaster, appointed by a reverend gentleman, who has taken an active part in this defence, and Gracious Heavens! will he venture to keep him, poisoned as is every communication which comes from such a source? Can that man administer instruction to the poor, steeped as he is in the moral filth

of infamy and crime? And yet this is the man who is ushered in and put forward as one of their best witnesses—a double-sold apostate, a foul liar to his God, and an abominable perjurer. That is the man on whose evidence you are called upon to decide. There is no want of intelligence, no want of knowledge about this “trafficker in fraud.” Gentlemen of the jury, he may have deceived my client, but let those who are now supporting him take care that he does not deceive them also. Are the rest of the witnesses entitled to a greater degree of credit than Lynch? We find fish-jolters, eagle-sellers, vagabonds through the world, making their poverty the foundation of their hypocrisy. Gracious God! is there a man on earth who would believe their testimony? Gentlemen, another of them came forward, and on his direct examination spoke English, as well as any man I have ever heard, but when I began to press him, he endeavoured to master me by not giving me a single answer, except in a language of which he knew I did not understand a single word. He told you, gentlemen of the jury, that for any man who would buy him a horse, he would worship God in *any* form. He tells you that Mr. Gayer beat him upon an appeal, and therefore you may conceive his *animus*. His feeling towards Mr. Gayer cannot be considered to be a very friendly one. He was one of those who foreswore himself, and stated that he became a convert with the expectation of money, and he admitted that money at any time would make him declare the same thing, and act the same infamous part. Gentlemen of the jury, another witness has been produced for the defence—a respectable *gentleman* named Hussey. Hussey is a respectable family name in this county, and when we hear that name, we think of a very respectable family from the Dingle side. But up came *Mr. Hussey*, and such a specimen of a respectable gentleman I have not seen for a long time. The character of his testimony was peculiarly singular. It appears that this gentleman was lately bound to keep the peace towards the converts, and was committed by the magistrates until bound to do so. Gentlemen, upon his evidence I do not think you can rely. There then is John Power, who related to you the transaction about the “*cracked*” fellow, who brought in the hay, and placed it under his pig (laughter). I am surprised he did not say the pig brought it in to make a bed for herself (laughter). That would be going the whole *hog* (laughter). Then there is Mara, the man who was teaching Latin, and yet could not repeat one Latin word, although my learned friend, Mr. Keller, put the words, *hic hæc hoc* into his mouth (laughter). Now, gentlemen, we come to Kearney, and there is one curious fact connected with his evidence. On the evening before last, the gentlemen for the defence discovered a dearth of evidence—plaintiff’s case had nearly closed—and on the next day suddenly a sluice is opened and a torrent of evidence is let in upon us all. With considerable speed and activity, several *gentlemen* are brought from Dingle, and among the rest this seller of eagles, Kearney. He comes upon the table—he is a domestic man, fond of his wife—he tells you she is dying—engages your sympathies, for we all naturally enter into feelings of that kind. He tells you he never expects to see her, and of course you could not but feel compassion for him. He swears with desperate fidelity to his cause, and if the quality was as good as the quantity of his evidence, it would, no doubt, make out a very good case for the defendant. But, gentlemen, I think the skeleton of one of the eagles would be a great deal more valuable than the evidence which he gave (laughter). He also stated that his children had stolen the property of one of the converts, and for this theft the family were turned out of the establishment. Kearney also stated that he was away for three months, during which time he was actually starving, so far was the persecution carried on against converts in that unhappy district; Mr. Gayer, through motives of humanity, admitted that man again, and that man now turns on the hand of his benefactor, and with the most bare-faced falsehood, endeavours to vilify his character. Gentlemen, I am sorry to disgust or delay you, upon a subject, in



its nature so distressing; but I adduce them as additional grounds for you to decide in favour of my client, and I say that such a line of evidence ought to swell and increase your damages. If common sense did not induce the defendant to hold back such evidence, at least common feeling, for the unfortunate wretches themselves, should have done so; and I say that you should visit on him the consequences of his malignity. Instead of coming forward in a feeling of contrition for his heartless slanders, he endeavours to prove the charges of imposture, and fraud against my client, and to establish the original imputation. I say it ought to increase your damages. But I have not yet left my friend the eagle driver—(laughter). He swore that about two months ago, two persons came to his house and effected a distress on a Sunday, and he would lead you to believe that they were sent by Mr. Gayer—that Mr. Gayer sent persons to commit this illegal act. We all know that a writ cannot be served on a Sunday, much less a distress effected. But this man would swear that Mr. Gayer, before the world, would commit that, not only harsh, but unlawful act upon a Sunday. You will recollect that this man bore testimony to the benevolence of Mr. Gayer, in the same manner as it is proved by Mr. Moriarty, Mr. Sandisford, and Mr. Goodman; besides Sullivan, Gloster, and Lynch. Can you suppose that he would be guilty of such an illegal act? Gentlemen, I have now closed my observations on the evidence. Mr. Bennett has said that he has known you long, and he has borne that testimony to your justice, to which his high character and station at the bar gave a considerable degree of weight. I have not such experience as he has, but I have had experience of you in both capacities. I was officially connected with you, and I can state, most unaffectedly, that I have never known a corrupt, an unfair, or a dishonest verdict to come from a Kerry jury. On the bench and at the bar I have seen justice administered by Protestant and Roman Catholic juries; and now, when my client comes before a jury, many of whom belong to a persuasion opposite to his own, it is a stronger evidence—if stronger than you have heard can be required—of the justice of his case and the honesty of his mind. My client opens his whole character—the whole conduct of his life before you. They have examined many witnesses, and now, I ask, has a breath of imputation rested upon him? Has it been denied that he was a good man—a humane man—a benevolent man? No, you have had convincing evidence from the witnesses of both sides, of his kindness, his humanity, and his indiscriminate charity. And yet, this is the man who was held up before the world as the author of imposture, fraud, and lying. This is the man who is said to be engaged in a career of falsehood, for the purpose of administering to his animal wants—his personal gratification. These charges have been the foundation of the grossest and most awful perjury that man can commit. I call on you to remember the character in which my client seeks for damages. He is not like one of us, who mix in the world, on whom slander would rest more slightly. He calls on you in the character of a Christian minister—in the character of a man whose pursuits are not of this world, and on whom calumny can have a dangerous, blighting effect. And, gentlemen of the jury, you will think it no trifling aggravation of the slanders when you see my client—whose duties belong to another world—obliged to come forward, and thus submit the whole character of his life, and allow it to be made the subject of scrutiny and comment in a public court of justice. Look at the manner in which he has been assailed. For my own part, I will say that I have never read a libel more false—more reiterative—more unwarranted—and more inexcusable. Never was a man more libelled, and never did a man less deserve it. Not only has my client been assailed, but he was shouted through the world as an impostor and a liar. But he is not the only person on trial. You also now stand before the world. Your conduct will be observed, and every part of this case will be canvassed through the land. My client appeals to a jury, half composed of persons of different sentiments from

his, on religious matters; but he knows that your feelings are not influenced by mere differences of opinion. He calls on you, therefore, to show that you will do justice—to show to the world that you will do justice to an injured individual by a jury composed of Roman Catholics and Protestants. Gentlemen, I put this case to you strongly, because I feel it strongly. In any case that I ever was engaged, I never felt so intensely interested as I do in this. A Protestant clergyman appeals to a jury, half of which is composed of an opposite persuasion, and he asks, simply for JUSTICE. He demands from a jury of this county, with perfect indifference to their religious or political feelings, reparation for the foul calumnies which were written against him, and circulated in a public journal. Gentlemen, I have almost exhausted myself, and I feel I have detained you too long, and now I close my observations, with a full confidence that you will do justice to the injured, and punish the slanderer.

Here the learned counsel resumed his seat, after having occupied four hours and a-half in his address to the jury. At the conclusion there were evident marks of approbation in the court.

HIS LORDSHIP then proceeded to charge the jury to the following effect:—Gentlemen of the jury, we have now arrived at nearly the last stage of this most interesting trial. It has now occupied the public time of this county for nearly three days. I do not state this at all conveying, or meaning to convey, that any of the time occupied in this investigation has been misapplied or wasted. It is a case, gentlemen of the jury, in which we cannot be surprised if parties at both sides feel a high degree of interest, and are anxious to present not only to the jury, but to the community in which they live, in the most favourable light, the view which they themselves take of the subject matter of these proceedings. You have heard the case, I think, discussed in a manner that has not been surpassed on any other occasion, or in any other place, as to the degree of eloquence, zeal, and efficiency with which the advocates at both sides advocated the cause of their respective clients. This is honourable to the profession—highly honourable to the bar of Ireland, and I think you will be satisfied that the time will not come when it will be necessary to bring in any foreign aid to the Munster circuit, in order to have the case of either plaintiff or defendant placed in the most powerful and favourable light before an intelligent jury. And, gentlemen, it is also satisfactory to have observed on this occasion, that we have the promise from those who are rising around us in the profession, that in future years, it will be, as it has been on this circuit, that the high reputation of the Munster bar will be sustained by them, and that the public who come into the temple of justice will have the benefit and assistance of the highest degree of ability, zeal, and efficiency. But, gentlemen of the jury, *your* province and *mine* are essentially different from those of the advocates of either side. *Our* business is to discharge our minds of every consideration whatever, save and except the question which we are bound upon your solemn oaths fairly and impartially to decide. We are to see what are the questions to which our attention is to be directed, and upon which your verdict is to be founded. You are not called on here to pronounce a verdict upon the merits of this movement, adverted to in the evidence, as going forward in the district of Dingle—to pronounce whether the persons engaged in that work are mistaken in their views, or have taken a wrong course in the discharge of their duties—whether it is desirable, or otherwise, that this work of reformation, as it is called, should proceed or not. This has nothing to do with the question which you have to try. Your business is to see clearly what is the question you are called on to try—to do justice to those several parties, irrespective of religion, politics, public or private antipathies—to look at the question like honourable upright men. This is the spirit in which you are to pronounce your verdict and discharge your conscience of the awful obligation under which you stand in that box. Gentlemen of the jury, that is *your* part: it is *my* duty, to state to you the ques-

tions which you are to consider, in order to return a proper verdict. The plaintiff in this case, gentlemen, is a Clergyman of the Established Church, who comes before you complaining that he has been libelled by the defendant; that is his complaint. The defendant in this action is a public journalist, the editor and proprietor of the *Kerry Examiner*. The defendant alleges that as a public journalist he is bound to discuss subjects of public interest—that it is his business, as well as his duty, to those who pay for his newspaper, to do so, not merely as a matter of curiosity, but almost of necessity. Most desirable it is, that we should have the advantage of a press perfectly free and unfettered—that those who conduct the press should have the amplest latitude for free discussion. But, gentlemen of the jury, the conductor of a public journal, discussing public and interesting questions, is not, in the discharge of his vocation, to do an injury to other persons—to inflict wounds on the character of others. The business of a newspaper is like every other trade or occupation in society. Every man may follow or pursue them; but the law of the land, founded as it is on reason and justice, requires that he shall not carry it on so as to do an injury to others. Gentlemen of the jury, it is essentially necessary in this case that you should understand what is the legal character of a libel. The law says, that any publication is to be regarded and dealt with as a libel, if it shall unjustifiably hold up a party to public contempt, ridicule, or hatred. To hold up any one in that way in any publication, newspaper, or otherwise, to public hatred, contempt, or ridicule, without lawful excuse or justification, is, in the eye of the law, a libel, and to be dealt with accordingly. Gentlemen, you will have among the issues sent to you, to try whether this be, or be not, a libel according to the definition which I have given you. I stated to you already, that it is essential for you here to look narrowly at what are the real questions which you are called on to dispose of. The first of these questions is raised by the plea put in to the plaintiff's declaration—namely, the plea of not guilty. That issue, in fact, comprehends two considerations—the question whether the defendant had published the matter complained of, in point of fact; and it likewise includes the question as to whether the statements he has published bear the legal character of a libel. With respect to the first, you will, perhaps, be of opinion that there can be no reasonable doubt that the defendant has published the matter in question, for papers had been produced from the stamp-office, bearing his signature, and the declaration of proprietorship in the imprint. Therefore, gentlemen, you will, probably, be of opinion with me, that with regard to the publication of the papers of the 22nd and 26th of November, the defendant is so far guilty. With regard to the other question, it is right I should observe now, that the defendant has put in a further plea, under a recent statute, that he did, at the earliest opportunity, make a full apology, and further, that the publications themselves complained of, were inserted without actual malice, and also, without gross neglect on his part.—I shall now read to you the statute which enables a defendant to plead an apology. [His Lordship here read the words of the statute and proceeded:—] We have then the defendant pleading, under this statute, that at the earliest opportunity after the plaintiff's complaint was made—in other words, after the commencement of the action—he made a full apology, and, that in the publication complained of, he was not influenced by actual malice, and that the publications were inserted without gross negligence. I mention these things now, because it may be possibly inferred that, whereas he made an apology, and pleaded that apology, he must be taken to admit the imputed libellous character of the publication. But that does not necessarily follow, because he is entitled here to the opinion of this tribunal, whether they be, or whether they be not libels; and then supposing it so, has he made his apology in time, and was his publication given to the world without malice or gross negligence. Gentlemen of the jury, it will be for you to say, taking up now the second point to which I direct your attention—for I think the first is out of the case

—what is the character of this publication? Does it hold up the plaintiff to public hatred, contempt, and ridicule, or does it not? This case having occupied so great a length of time, and there being still another record to be tried, I should think myself unwarranted, in trespassing on your time, by reading these publications at length, especially as they have been read more than once, by the gentlemen of the bar, and fully, learnedly, and ably commented on. But, suffice it to say, that according to my understanding of those publications—but it will be your province to read and consider them, and say what impression they make on your mind—they appear to me to impute falsehood for mercenary purposes, hypocrisy, going about as an itinerant liar, for the purpose of raising funds on false representations, with a view to the emolument of the individuals or, as stated, for the purpose of ministering to his animal wants. The instance in Scripture where Ananias is struck dead for lying to the Holy Ghost is brought forward, and a parallel is drawn, and a comparison instituted, in which the plaintiff is represented as having been struck sick because he conceived a lie. It will be for you to read those publications, and to consider and say whether you can, in your conscience, pronounce that publications of that description are or are not calculated to hold up an individual to public hatred and contempt, I will not say ridicule, for there is nothing of ridicule in it. You are to exercise your own judgments on those questions. Both parties submit them to your consideration, each reposing the most implicit confidence, as unbounded as I do myself, in your justice and impartiality; for I also have enjoyed the same opportunity as my respected friends at the bar of knowing the jurors of this county. It has been my privilege to come here for many years, in another capacity than that which I have the honour now to fill. I have witnessed the uniform conduct of the juries of this county, and can bear my testimony in addition to those of the eloquent gentleman who last addressed you, that I never did know or hear of a verdict found by a jury of this county—composed of whatever materials, religious or political—complained of as unjust or against conscience. Therefore, I feel the same confidence as is felt by the bar, with respect to the manner in which you will deal with this case, irrespectively of the merits of the men coming before you or their rank of life, but viewing the case on its intrinsic merits, and dealing with it accordingly. Gentlemen of the jury, if you should be of opinion that those publications are libellous, you are then called on to consider, in the next place, has the defendant made out a case such as the recent act of parliament gives him. That statute has been stated to be a just and a beneficent statute. It is so. We all know that those engaged in carrying on the business of the public press, necessarily often insert articles without having an opportunity for a very close investigation of them—that their attention may not be called to the subject matter of certain publications—that the individual who is the proprietor of the paper, may not have the most remote intention of injuring the individual whose conduct is discussed. It is very reasonable in a case of that kind, that the individual should have an opportunity of making atonement for the injury which he may have inflicted, by promptly coming forward to retract the imputation he has, he will say, unintentionally thrown on another. Accordingly, the statement gives an opportunity to the publisher of saying, “I did make an apology at the earliest opportunity, after you complained—a full apology—I was not actuated by malice against you—I was not actuated by actual malice, nor was the matter inserted under circumstances amounting to gross negligence.” Now, gentlemen of the jury, you are to inquire—first, was this apology inserted at the earliest opportunity? Dates are of great importance. The publications themselves were on the 22nd and 26th of November. The writ was served on the 7th of January. That was the commencement of the action. The apology was published in the *Kerry Examiner* on the 4th of February. Was that the earliest opportunity after the action was commenced? It cannot be said it was before the commencement of the action. Now, there

intervened between the service of that writ, and the period of the insertion of the apology, seven publications of this paper. You'll pronounce by your verdict whether *this* was the earliest opportunity after the action commenced. On this let me say, there has been a great quantity of evidence totally irrelevant, in my judgment, to the issues which you are to try. Among the rest, I consider the evidence applicable to the apology, to have been as much beside the question as a great deal more; because it is not, as I apprehend the question here, as to the reasonableness or otherwise of the apology required by Mr. Gayer—that is not the question. Mr. Gayer may have required an apology too stringent, and more than ought to be expected. On this part of the case, you are not called upon to decide one way or the other. The question you are to try in this part of the case is—was the apology of the defendant made at the earliest opportunity? When I say that much extraneous matter has been introduced in evidence upon this inquiry, I am not blaming any one, for, first of all, on the face of those pleadings, a number of things which we lawyers call matters of “inducement” are spread upon the record. It was, therefore, incumbent on the plaintiff to give evidence with respect to them. Therefore, the consequence of all that evidence on the part of the plaintiff was to lead the defendant to controvert much of that evidence by counter evidence. But still, gentlemen, I have stated the only issue for you to try—for that volume of evidence which I have been writing for the last three days—(there were eleven on one side, and twelve on the other)—altogether beside the question, for you have nothing here to do with the actual number of converts in the region of Dingle, whether this man's motives were sincere, or that man was only humbugging—as some of them appear to have been—or whether they were honestly professing a change of opinion—with these things, you have nothing to do. Neither are you to consider the mode by which those changes of opinion were brought about, or what induced those parties to leave one religious faith, or go back to it again. Those questions are altogether foreign to the present issue, you are only to consider—was there a libel? Next, is the apology a full one? I suppose the legislature meant by that word, “full apology”—was it such an apology as ought to be satisfactory to the person complaining of defamation? Observe, the complaint here is not merely of certain strong expressions. It is not merely that strong expressions have been used against the character of the plaintiff, but it is the imputing of *motives*—of actual misconduct, because lying, and on such a subject, would be gross misconduct. Every one must allow that in point of morality and religion, nothing is more odious or abominable than that. Therefore, what is complained of by the plaintiff, is, that criminal acts have been imputed to him—corrupt, abominable acts attributed to him, not only in strong language, but crime—infamous acts are attributed. And it will be necessary for you to read the apology, having regard to the publications complained of—is it such as ought to satisfy the wounded feelings of the plaintiff? As I read the apology, there is nothing in it retracting any one of the imputations. It certainly acknowledges the use of intemperate and strong language. It says, “on a careful perusal of the article,” he feels that he used language which he would qualify, and that his observations were only intended to apply to the system and not the individual. Now, the subject treated on was, the number of persons represented to be converts in the district of Dingle. Now, how can it be said that the language used in those publications, such as that in which Mr. Gayer is called “impostor,” an “itinerant liar,” and lying for the purpose of obtaining money to answer his own “animal wants”—how can it be said that this is applicable to the system and not to the individual? It is applicable to the person in the shape of the basest possible imputations. Consider, therefore, that, in order to be a full and satisfactory apology, whether it would not have been better for the individual making the apology, to retract those imputations? The tangible charges ought, in my judgment, to be

retracted. On the proceedings now before the court, there is no attempt to justify those imputations: they have been disclaimed at the bar as not to be justified. The defendant's case in this respect has been correctly conducted. There has been no attempt to justify: it could not be done. Therefore, they admitted the fact—that those imputations cast on Mr. Gayer, that he was a hypocrite, and a liar, as well as the charge of the mercenary motives, were equally without foundation. Ought not that to have been said, and better if said in his paper? Therefore, you'll have to consider if this is a full apology. You will recollect that the foundation of all those imputations conveyed by these publications is, that Mr. Gayer is represented to have stated that there were in Dingle 800 converts. The defendant says that he confines the idea of 800 to the town of Dingle. Mr. Gayer never asserted that. No one part of the evidence shews that he stated that 800 became converts in the town of Dingle. There is much to shew, too, that the defendant himself understood it as referring to the *district*, where Ventry, Dingle, and Kilmalcheader are situated. However, that is one of the grounds of excuse for the publication, as raised by the defendant. Now, that, in point of fact, Mr. Gayer never asserted, nor anything like that. In this apology you'll find the defendant retains the contradiction of that fact. It is on that he builds all the imputations on Mr. Gayer. Gentlemen of the jury, you'll consider only the evidence, understanding that the statement of Mr. Gayer was not that in the town of Dingle there were 800 who left the Church of Rome and joined the Protestant Church. By the evidence on both sides, such a statement, understanding it in that narrow sense, would not have been true. Now, reasonable allowance is to be made for the hurry of editorial articles; but you'll consider whether an individual can wield such an engine as the public press in such a way as is represented in the office of this editor—whether articles are to be put into a paper reflecting on the reputation or hurting the feelings of another. It may be that articles may find their way into the columns of a newspaper of this unjustifiable character. But supposing this to be the case, can the proprietor of such a paper escape the legal dilemma in which this statute places him? He may escape the charge of actual malice, but how can he escape from that of gross neglect? It is the duty of those who conduct the public press, to see that their papers are not made a vehicle of injury or detraction, hurting the feelings or reputation of individuals. If they do not discharge this duty they must take the consequence. It has been said that with respect to actual malice there can be none. Take the case of a publication brought to an editor that did not pen it at all, reflecting on some respectable individual of the community, with whom he was not acquainted—he could not be influenced by malice, but if the publication be of such a character as to impute gross crime and delinquency to the individual, in that is involved the *ingredient* of malice. You are, therefore, looking on this part of the case, to consider, in the first instance, the character of the publication complained of—the character of the subsequent publications. You are bound to consider both, in making up your mind on the subject of malice. The learned judge then referred to the dates of the documents put in as evidence of the libel, and proceeded—You will look at all, and consider how far they lead you to believe, that those respecting the plaintiff were or were not actuated by malice. It is not necessary that it should be made out there was ill blood generated between the parties, to make it conclusive of malice; because you must judge from the publications themselves, and infer from them whether you believe he was actuated by malice. Then there is the question of neglect. It would be difficult to escape the one without coming under the other; but it is your province and not mine to consider this question. But in order to give the defendant the benefit of this addition to the statute, I shall recapitulate its provisions on these heads:—First, under that statute law, you must be satisfied that he apologized, and that the apology was made at the earliest opportunity after the commencement of the action.

secondly, whether it was a full one, and such as ought to have satisfied; thirdly, whether the publications were made without actual malice; and lastly, whether in those publications finding their way into the paper there was gross neglect. Any one of those points destroys the defence, under this statute, for four things in my opinion of the statute, must concur—It must be an apology, a *full* apology, an apology at the earliest opportunity, and the publication must be free from malice, free also from gross neglect.

Mr. Twiss (a juror)—Are we to understand, my Lord, that if it was a malicious publication, no apology would be sufficient?

Court—The apology will not do if you think there was actual malice, judging from its contents and subsequent publications. Then no apology can atone, though given in due time. It is a recent statute, and I am giving the best opinion I can upon it; the defendant's counsel will take a note, if they consider I have erred, and have the opinion of eminent members of the bench.

Mr. Pigott—There must be in the publication actual, express malice, independent of the mere character of the libel, towards the party alleged to have been slandered. That is the meaning of the word "actual."

Court—I agree with Mr. Pigott so far as that actual malice is equivalent to express malice. It is not necessary there should have been a previous quarrel. I am of opinion, taking the word "actual" in this statute, that it is equivalent and synonymous with "express malice," in former statutes—and that it is competent for the party complaining to resort not only to the publication itself, but to subsequent publications as to whether there is malice. I hope I have made myself understood by you. I have endeavoured to strip the case of matters not properly belonging to the subject at issue. I have not read to you one word of this volume of evidence; because I think it beside the issue. It may be all very interesting to the parties here, and, perhaps, to the public; but we are not to be influenced by such considerations. We are to keep our minds *in equilibrio* between the parties, without a tendency to the spirit of either party, but to deal impartial justice to both, irrespective of every consideration except the issue to be tried. I have endeavoured, as I have already stated, to divest the case of every other consideration, and simply to convey to you the nature of the questions upon which you have to pronounce. If you think that those publications exhibit actual malice, then that puts an end to it without regard to the apology. Then, the only thing would be the amount of damages. But if you are of opinion that it was not a *malicious* publication, you are to consider those questions:—Was there an apology at the earliest opportunity? was it full, and such as ought to be satisfactory? was the insertion of the alleged libel free from gross neglect?

Some questions were here put by a juror which, from considerable interruption, we were unable to catch.

The Jury then retired.

Mr. Pigott called on his Lordship to state that forty shillings had been lodged in court, and contended with Sir Colman O'Loughlen that there was no evidence of actual malice or of gross neglect, and that the Court should have stated so to the jury. Objections were put in, which, from the state of the court at the time, we were unable to catch the full particulars of.

The jury having retired, returned in about two hours.

The jury were then paid thirty-six guineas, and gave in their verdict for the plaintiff on all the counts, £40 DAMAGES, AND SIXPENCE COSTS.

A Juror (we believe the foreman)—My Lord, we would have given larger damages, but we did not think the defendant able to pay it.

Mr. Irwin—We would have given the full thousand pounds if we thought he was able to pay.

Mr. Freeman—That is just what I expected from you.

Mr. Connor O'Leary—That is not the feeling of all the jurors.

**Mr. William Sandes**—We have now given in our verdict, and it is not necessary to make any observations upon it.

**Counsel for the Plaintiff**—Messrs. Bennett, Q.C., Freeman, Q.C., Keller, Q.C., and Leahy—Agents, Battersby and Carroll.

**Counsel for the Defendant**—Right Hon. David Pigott, Q.C., Sir Colman O'Loughlen, Bart. and Mr. Gallwey—Agent, Mr. T. W. Murphy.

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Judgment has since been obtained in this action, no attempt having been made to set aside the verdict.



# APPENDIX.

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## I.

To His Excellency, the Lord Lieutenant.

**"MAY IT PLEASE YOUR EXCELLENCY—**The Memorial of the undersigned inhabitants of the parishes of Dingle, Kildrum, Ventry, Donquin, Dunurlin, and Kilmachheader, on behalf of themselves and their families:—

**"HUMBLY SHEWETH—**That Memorialists, with their families, were formerly in the communion of the Roman Catholic Church: That Memorialists, from what they believe and profess to be conscientious motives, have withdrawn from the communion of the Roman Catholic Church, and joined that of the Protestant Established Church: That Memorialists have suffered reproach and persecution, more or less, from time to time; but that for the last four months, particularly, Memorialists have been, and are still, suffering grievous persecution and loss, as converts from the Church of Rome: That when Memorialists pass through the town of Dingle, and the surrounding district, they are insulted and provoked to a breach of the peace, by many persons shouting at them, using opprobrious and threatening language, and sometimes throwing stones: That Memorialists have often had convictions before the magistrates, and assistant barrister, against persons for waylaying, assaulting, and threatening, in cases where they knew or could discover the parties so offending: That Memorialists themselves have not been charged with any such crime, before the magistrates or assistant barrister: That Memorialists cannot purchase the necessaries of life in the markets and shops, the people refusing to sell to them, or have any dealings with them, as converts from the Roman Catholic Church: That Memorialists have reason to know and believe, that this state of things is entirely owing to the preaching of the priests of the Roman Catholic Church, from their altars: That Memorialists are constantly exhorted, by their respective ministers, in public and in private, to peace and good will towards all men, even their persecutors and slanderers: That Memorialists desire to testify, that their Roman Catholic neighbours are well disposed towards them, and that they are in peace and good will with each other when Roman Catholic priests do not excite them against Memorialists: That Memorialists do not feel themselves, and their families, in the enjoyment of that safety and liberty which is the right of every subject of Her Gracious Majesty: That sad consequences are apprehended, if such a state of things be allowed to continue: That Memorialists are prepared to prove these statements, by their own and other most respectable testimony: That Memorialists, under these circumstances, appeal to a humane Government, in behalf of themselves and their families, who altogether amount to over 800 souls. And Memorialists will ever pray."

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## II.

"DUBLIN CASTLE, 14th January, 1845.

**"SIR—**I am directed by the Lord Lieutenant to acknowledge the receipt of your letter of the 9th instant, enclosing a Memorial from certain converts from the Roman Catholic Church, and to acquaint you, that while his Excellency must deeply regret, that any person should be exposed to personal inconvenience, obloquy, or insult, on the score of religion, they can scarcely fail to be aware, that it is not in his power to afford any remedy for the inconveniences they describe themselves as suffering, and that the ordinary course of law can alone be resorted to them for relief.—I have the honour to be, Sir, your obedient humble Servant,

**"E. LUCAS."**

**"TO REV. CHARLES GAYER,  
"Dingle."**

## III.

"MY DEAR SIR—At your request I sit down to communicate somewhat of the impressions produced, as also some of the facts which came under my observation, during my recent visit to Dingle, at the time of the late trial, wherein very many, in common with ourselves, felt so deep an interest. At the period just mentioned it was my privilege to spend a Sabbath day in that locality, and sincerely do I trust that the impressions then made on my mind may never be effaced. Much had I heard of the Lord's wonderful working among its simple inhabitants, and much, certainly did I expect and witness, calculated to confirm faith in the power of His revealed word: but when, on the morning referred to, I found myself in the Sunday School at Dingle, surrounded by about 200 converts from the Church of Rome, eagerly crowding around the Protestant pastor, whom all seemed to love with true Irish attachment, and thus practically asserting their right to take of the water of life freely—then it was that I fully perceived how wondrously divine grace had been here manifested, and then it was that with a feeling of unspeakable thankfulness I mentally exclaimed—'How hath God wrought!' It was truly an animating and interesting scene. In the midst of those eager learners our dear brother Gayer, with the few devoted voluntary assistants, who shared in the privileged work of the Sunday School, took their places. And assuredly it was a work, in this instance, and a labour of love. The harvest here was indeed plenteous, and the labourers few. In the attendants at that Sunday School I witnessed an assemblage such as no other had ever presented to me. There was the hoary grandfather, over whose head, apparently, the full amount of three-score and ten winters had passed. There, too, was the class of lisping infants, with others of all intervening ages. There was the hardy peasant fisherman, and the youthful mother, with the babe at her breast, while she herself hung delighted on the accents of her loved teachers. It was my privilege to afford instruction to one of the classes of adults, composed of about 30 males; we read together, and conversed on the contents of the 16th chapter of St. Matthew's Gospel, the one which came in course, and I can safely say, that a better informed, or more intelligent set of humble men I never met. Several of the class were unable to read the English version of the Scriptures, but even these men were quite ready and willing to join in the remarks which were made upon it. The scene which the well filled church presented was equally interesting. As I witnessed the converts joining in the spiritual service of our church, and afterwards drinking in with the most rivetted attention the words of eternal truth, as they came from the lips of their excellent pastor, often did my fervent aspirations ascend to the Hearer of prayer, not only that He would confirm the work begun in this place, but also cause the knowledge of His truth to spread in our benighted land, until many such spots, like Goshen, in the midst of surrounding darkness, should arise and shine. It was my privilege to address this interesting congregation at evening service, and the same attention and apparent thirst for instruction which pervaded the Sunday School and morning service were evident there also.

"I could furnish several interesting particulars respecting other parts of this locality, which were visited by me on the following day. Among these were the ancient parish of Kilmachader; Dunurlin, with its school, attended by a number of as lovely and intelligent Irish-speaking children as I ever witnessed; and the romantic village of Ventry, with its beautiful bay, and neat church, and parsonage house, the scene of the labours of that devoted Irish-speaking minister, the Rev. T. Moriarty. But I hasten to state a few particulars concerning the trial itself, in connexion with which my visit to Dingle had principally been made.

"The scene in the town and court-house of Tralee during the three days of this trial, was certainly novel to me, and must ever be remembered, as forming a new era in my acquaintance with human nature, as strange and unexpected, in many respects, as it was instructive. Much as I had learned, both from actual experience, and the testimony of God's word, respecting the innate depravity of the human heart, and the bitter fruits which this depravity is sure to bear, in the life and practice of the unrenewed man, I here found that the half respecting these things had not been learned. The fearful facts, as to the ruthless persecution of the converts at Dingle, by their brethren in the flesh and others, are now before the world. The independent, honest verdict of the twelve men who also tried this case has set a seal to these attested facts, which no sophistry can, to any reflecting mind, either mystify or falsify. If, in this, the nineteenth century, and in this professedly free country, such a state of things as is here brought to light, shall be allowed to continue, without check or interference on the part of the government of the land, then let the Protestants of Ireland, perhaps of England too, prepare for treatment still more nearly resembling that which their ancestors in the faith received, when Rome, in the plenitude of her power, was wont to lay the iron and blood-stained hand of her cruelty on all who dared to think for themselves, in the awfully important matter of the soul's salvation.

"Any lengthened reflections on the issue of the trial, would, I feel, here be out of place. The fact is there to speak for itself. In the midst of an excited crowd, assembled by thousands in the street of this remote Irish Assize town—under the eye of not a few of the Romish priesthood, whose scrutinizing, and not-to-be-mistaken glance, was fixed unceasingly

on all the parties concerned, from the foreman and jury, to the trembling, pallid, perjured witnesses, who left the table of testimony with a hardly suppressed groan of disgust and indignation, from all in whose breasts even a lingering love of truth, and reverence for an oath survived—under these circumstances, and notwithstanding all the previous prejudice and misrepresentation which must have existed, six professors of the Romish religion were found, to stand by an equal number of their Protestant fellow-citizens, in the noble and successful effort to vindicate the reputation of a maligned minister of the Gospel, and restore him to that place which he had so long held in respectable society. I longed to shake the hand of each of these men, and to thank them for their honest verdict. But they will have a far higher reward than the poor thanks of any fellow-creature—the testimony of an approving conscience, and, I trust, too, the blessing and approval of the God of Truth. This fact evinces that there is yet hope for Ireland. Her children are beginning to think for themselves, nor, with the blessing of God, shall priestly execration, or rancorous calumny and persecution, extinguish the light of gospel truth which God has permitted to be enkindled in our land. Let but the shield of legal protection be extended over the poor Protestants of Dingle and Ventry—let but security be afforded to the converts there—to worship God as their conscience dictates, a privilege to which every subject of Britain is assuredly entitled, and abundant blessing, temporal, as well as spiritual, is still in store for Ireland.

“Much as the friends of Mr. Gayer may rejoice at the vindication of his character, the moral effect which the whole proceeding must have produced on all who witnessed the trial, is, perhaps, still more a matter for thankfulness. Very singular, too, we may hope, will be the effect on those who shall read the account of it which is shortly to be published. Surely, surely, the intelligent, the warm-hearted, and high-minded Roman Catholic gentry of Kerry, so many of whom crowded the court during the days of this important trial, were not prepared for the disclosures then made concerning the system of religion which they profess, as well as some of its accredited teachers! Assuredly, they will never join in so heartless and unchristian an effort as to hunt down, even to the death, those who conscientiously differ from them, or prefer another form of faith. Will they not, must they not reflect on the true nature of a system which can produce such fruits! The conduct of the poor instruments of persecution on this occasion was very marked. At the close of the first day's proceedings the crowd assembled around the court-house showed evident symptoms of excitement, by violence of gesture, shouting, &c. At the termination of the trial, and when the verdict was announced, there was a marked, and most significant change. Shame appeared to have taken possession of them, and well it might. All parties were silent and still. May it be that they have been led to think on their ways! Oh, that like some older persecutors, recorded in holy writ, they might be cut to the heart, and led in sincere repentance and true faith to that Saviour, whose cause and whose servants have been so maligned, and so injuriously treated!

“Praying that God may be glorified in this behalf, and His cause have still further triumphs, not alone in Dingle, but throughout our native land.—Believe me, my dear Sir, yours most truly,

“WILLIAM M'ILWAINE,  
“Minister of St. George's Church, Belfast.”

## PRIESTS' PROTECTION SOCIETY FOR IRELAND

OFFICE, 23, UPPER SACKVILLE-ST. DUBLIN.

(House of the Religious Book and Tract Depository for Ireland.)

"In quietness and in confidence shall be your strength."—Isaiah xxx. 15.

Founded 5th May, 1844,

The day on which the Rev. Solomon Frost renounced Popery in Saint Andrew's Church, Dublin.

"Upon her forehead was a name written, Mystery, Babylon the Great, the Mother of Harlots and Abominations of the Earth.—Rev. xvii. 5."

"Wherefore come out from among them, and be ye separate, saith the Lord, and touch not the unclean thing; and I will receive you, and will be a Father unto you, and ye shall be my sons and daughters, saith the Lord Almighty."—3 Cor. v. 17, 8.

THE object of this Society is to protect Priests of good character, who abandon the apostacy of Rome for the pure faith of the Gospel, and to find employment for them when thoroughly grounded in *its saving truths*, both as parochial ministers, and as missionaries in the most benighted parts of the country, subject of course, to the rule and judgment of the bishops of the Church. They will pursue their preparatory studies in theology, the Irish language, Sabbath School teaching, parochial visitation, and the Romish controversy, under competent superintendence; and when they receive episcopal license, they will enter upon the great work of preaching the Gospel to their fellow-countrymen.

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Five Roman Catholic Clergymen, have lately renounced Popery, and are engaged in their studies with zeal and assiduity; and surely it is the duty and privilege of those who know and love "the truth as it is in Jesus," to provide for such, and to place them in a position for administering to the spiritual destitution of millions of Irishmen, who are sunk in darkness and in the shadow of death.

As this undertaking will require much care, and considerable expenditure, the Committee entreat the co-operation and the prayers of the Lord's people, and of all who are desirous to promote the best interests of Ireland.

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C. H. MINCHIN, Clk. A.M.	
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Subscriptions and Donations are anxiously solicited in aid of this Society, and will be thankfully received by the Rev. Thomas Scott and Rev. C. H. Minchin, at the Office of the Protestant Registration Society for Ireland, in Connexion with the Church, 23, Upper Sackville-street, Dublin.

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